

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-21618-2014

Date of decision:- 20.05.2015

Modern Automotives Ltd.

...Petitioner

Versus

Commissioner of Customs and another

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Sandeep Suri, Advocate,
for the petitioner.

Mr. Kamal Sehgal, Advocate,
for respondent No. 1.

Mr. Anil K. Ahluwalia, Advocate,
and Mr. P.K. Khurana, Advocate,
for respondent No. 2.

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S.J. VAZIFDAR, A.C.J. (ORAL)

In this petition, the petitioner has merely sought an order quashing a communication dated 24.09.2014 from the Commissioner of Customs invoking the bank guarantee. The bank guarantee has been invoked and the respondents have received the amounts pursuant to the invocation. The petitioner's application for extending the time to meet the export obligation is pending with the Directorate General of Foreign Trade (in short DGFT).

2. It is necessary in the first instance for the DGFT to decide that application. Based on the decision, the respondents would also take a decision whether or not to refund the amounts received pursuant to the invocation of the bank guarantee. The petitioner is at liberty to challenge the decision on both issues, if adverse to it. The respondents as well as the DGFT shall decide both the issues by 31.08.2015. The respondents shall take a decision regarding the refund of the amounts received pursuant to the

invocation of the bank guarantee within eight weeks of the receipt of the order passed by the DGFT on the petitioner's application for extending the date for meeting the export obligation. All the rights and contentions of the parties are kept open.

3. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

20.05.2015
Amodh