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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4057/2015

M/S. UNIEXCEL POLYCHEM PVT LTD Petitioner
Through: Mr Chandra Shekhar Yadav & Mr Prem
Ranjan, Advs.

versus

THE DEPUTY COMMISSIONER OF
CUSTOMS & ANR. Respondents
Through: Mr Kamal Nijhawan & Mr Sumit Gaur,
Advs.

+ W.P.(C) 4063/2015

M/S. GENERAL TRADERS Petitioner
Through: Mr Chandra Shekhar Yadav & Mr Prem
Ranjan, Advs.

versus

THE DEPUTY COMMISSIONER OF
CUSTOMS & ANR. Respondents
Through: Mr Kamal Nijhawan & Mr Sumit Gaur,
Advs.

+ W.P.(C) 4075/2015

M/S. GUPTA SUBHASH & SONS (HUF) Petitioner
Through: Mr Chandra Shekhar Yadav & Mr Prem
Ranjan, Advs.

versus

THE DEPUTY COMMISSIONER OF
CUSTOMS & ANR. Respondents
Through: Mr Kamal Nijhawan & Mr Sumit Gaur,
Advs.

+ W.P.(C) 4076/2015

M/S. SHREE RAM TRADERS

..... Petitioner

Through: Mr Chandra Shekhar Yadav & Mr Prem
Ranjan, Advs.

versus

THE DEPUTY COMMISSIONER OF
CUSTOMS & ANR.

..... Respondents

Through: Mr Kamal Nijhawan & Mr Sumit Gaur,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

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24.04.2015

CM No7264/2015 (Exemption) in WP(C) 4057/2015

CM No7274/2015 (Exemption) in WP(C) 4063/2015

CM No7292/2015 (Exemption) in WP(C) 4075/2015

CM No7293/2015 (Exemption) in WP(C) 4076/2015

1. Allowed subject to just exceptions

WP(C) Nos. 4057/2015, 4063/2015, 4075/2105 & 4076/2015

2. The common grievance, which is, raised in the captioned writ petitions is this : that the assessment of bills of entries for clearance of goods were filed long back. Individual dates need not be given, but what is important to take note of, is that, such bills of entries are pending from the year 2011-2014. The petitioners' grievance is that the respondents have taken no steps for provisional assessment of bills of entries resulting in exposing them to an imminent possibility of levy of detention and demurrage charges.

3. Mr Nijhawan, who appears on advance notice, says expedition is

required, and that, the matters will be processed at the earliest.

4. Learned counsel for the petitioners informs me that in two matters being: WP(C) Nos. 4057/2015 and 4075/2015, notices have been received by his clients yesterday, i.e., 23.04.2015 fixing a hearing qua matter in issue, on 29.04.2015, at 12.30 p.m. and 12.45 p.m., respectively.

5. Having perused the record and heard counsel for parties, it is apparent that there has been an enormous delay in processing the bills of entry. The respondents cannot but concede that officers charged with an obligation to perform statutory duties are not only required to discharge such obligations cast on them but are also required to act with utmost expedition. Delay in performance of statutory duties, often renders the remedy provided by the statute illusory.

6. In these circumstances, those matters in which hearing is fixed will be taken up, if not earlier, on the dates given.

6.1 In so far as other two matters are concerned, steps will be taken to process the same with due expedition, though not later than three weeks from today.

7. A copy of this order will also be sent to the Central Board of Excise and Customs (CBEC), North Block, New Delhi. The CBEC, is requested to inquire into the matter as to why there is a delay at the level of the Commissioners in processing such like cases. A report in that behalf be generated and placed on the record of this court. If any action is required to be taken, qua the concerned officers, the same should also be indicated in the report.

8. The writ petitions and the applications are, accordingly, disposed of.
9. List for compliance on 14.08.2015.
10. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

APRIL 24, 2015

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