

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

**CWP No. 7856 of 2016
Date of decision: 28.04.2016**

M/s Chander Chemical Company

...Petitioner

Vs.

Union of India and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present : Mr. Sudhir Malhotra, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent No. 3 to decide the show cause notice dated 31.05.2015 (Annexure P-2) in respect of live consignments, Bill of Entry No. 8060152 dated 21.01.2015 which is pending for the last about 11 months.

2. The petitioner imported Lubricant Oil-Open Gear on 12.10.2014 and filed bill of entry No. 8060152 dated 21.01.2015 for clearance of said goods at assessable value of ₹ 9,37,213/- involving duty of ₹ 1,90,170/- under tariff item No. 2710 1980 of Customs Tariff Act, 1985. Three different samples were drawn from the consignments and sent to Central Revenue Control Laboratory, New Delhi (in short 'CRCL') for testing on 31.01.2015 whereupon three separate reports dated 19.02.2015 were given by the CRCL on the basis of which show cause notice dated

31.05.2015 which according to the petitioner was dispatched on 23.09.2015.

3. Learned counsel for the petitioner submitted that the the petitioner had submitted its reply to the aforesaid show cause notice within three days on 26.09.2015 itself which has not been adjudicated so far. Prayer was made that the reply be adjudicated expeditiously as more than six months have passed but no decision has been taken thereof. It was urged that the petitioner is suffering on account of not deciding the show cause notice as it is in respect of live consignment.

4. After hearing learned counsel for the petitioner and perusing the petition, keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, as the petitioner claims that it is a live consignment, we deem it appropriate to direct the concerned Authority to adjudicate the show cause notice within two months from the date of receipt of certified copy of this order by passing a speaking order and after affording an opportunity of hearing to the petitioner in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

April 28, 2016
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