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

+ W.P.(C) 863/2016 & C.M.No.3816-3817/2016

SAVEMAX WHOLESALE CLUB PVT. LTD. & ANR

..... Petitioners

Through Mr.Saurabh Kirpal with Ms.Diksha
Rai, Mr.Wattan Sharma and
Ms.Shriya Misra, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through Mr.Vivek Goyal, CGSC with
Mr.Rishab Wadhwa, Advocate for R-
1/UOI.
Mr.Sanjeev Kumar Dubey, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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04.02.2016

Present writ petition has been filed seeking a direction to respondent no. 2 to de-freeze the bank account of the petitioners with HDFC Bank, Sadar Bazar, Delhi and to de-seal the office premises of the petitioner-company so as to permit them to carry out their day-to-day business. The petitioners also seek a direction to permit their advocates to accompany the petitioners and their employees during the course of their interrogation and recording of their statements by DRI.

Learned counsel for the petitioners states that a search was carried out by officers of respondent no. 2 regarding petitioner's claim

for exemption on imports of betel nuts, areca nuts from Sri Lanka. He further states that the petitioners were only dealing with one Mr. Anurag Garg and not with the seller and had nothing to do with the transaction.

Learned counsel for petitioners further states that as a gesture of goodwill, but under protest, petitioners are willing to pay the entire duty claimed by the respondents.

Learned counsel for respondents states that petitioners are not cooperating in the investigation. He, however, states that if petitioners are willing to cooperate in the investigation and are willing to deposit the duty demanded, respondents would have no objection if they are directed to comply with the order dated 25th April, 2012 passed by the Supreme Court in *Vijay Sanjani Vs. Union of India & Anr. in W.P.(Crl) No.29/2012*.

Consequently, keeping in view the aforesaid, present writ petition and applications are disposed of with a direction to the petitioners to deposit the duty amount of Rs.94,21,860/- with respondents during the course of the day. Upon deposit of said amount, respondents are directed to defreeze the petitioners' bank account and de-seal petitioners' office premises forthwith.

Petitioners are also directed to appear before Mr.Ajay Singh, Senior Intelligence Officer tomorrow i.e. 5th February, 2016 at 12.00 PM along with their advocate/s. However, the advocate/s shall only be at visible distance but not at audible distance, when the petitioners and its officials are interrogated.

FEBRUARY 04, 2016/KA

MANMOHAN, J