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

+ W.P.(C) 5038/2016

A.K. CHAUDHARY Petitioner
Through Mr. Piyush Kumar with Mr. Jitendra
Singh, Advocate

versus

COMMISSIONER, CENTRAL EXCISE, DELHI-I
COMMISSIONERATE Respondent
Through Mr. Pramod Kumar Rai with Mr. Deepak
Anand, Advocate for R-1

+ W.P.(C) 5039/2016

SHANTI CHAUDHARY Petitioner
Through Mr. Piyush Kumar with Mr. Jitendra
Singh, Advocate

versus

COMMISSIONER, CENTRAL EXCISE, DELHI-I
COMMISSIONERATE Respondent
Through Mr. Pramod Kumar Rai with Mr. Deepak
Anand, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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09.08.2016

In both these proceedings, the petitioners complain that their premises i.e. C-44, Vijay Vihar, Phase-I, Rohini, New Delhi and G-22, Vijay Vihar, Phase-I, Rohini, New Delhi are under continued occupation by the Commissioner of Central Excise despite the order

of seizure and confiscation of goods having been made. After adjudication, an order-in-original was passed on 30.11.2015 whereby an option was given to the petitioners to pay ₹75 lacs as redemption fine in lieu of confiscation of goods; the petitioners chose the latter option, i.e. confiscation of goods. However, till date, the premises have not been vacated. We have heard counsel for the parties.

The Commissioner of Central Excise had in the course of seizure proceedings apparently taken custody of several coolers. Apparently, on the basis of search and seizure proceedings, an adjudication order was made by the Commissioner of Central Excise. The adjudication order directing confiscation of the said goods also give the petitioners the option to redeem the said goods, subject to payment of ₹75 lacs as redemption fine.

It is not disputed that the petitioners did not deposit the redemption fine amount. As a consequence, the goods have been vested with the respondent- Commissioner of Central Excise and the order-in-original having been made on 30.11.2015, the respondent should have ensured that the premises i.e. two immovable properties were restored to the petitioners at the earliest time feasible.

This Court is of the opinion that the continued occupation of the said two premises is palpably unreasonable. Accordingly, a direction is issued to the respondent to ensure that the vacant and peaceful possession of both the premises, which are the subject matter of the present writ petitions, are handed over to the petitioners on or before 15.10.2016.

The respondent shall file an undertaking in the form of an

affidavit, stating compliance with the directions of this order, to the concerned competent official. The affidavit shall be filed within two weeks.

The writ petitions are allowed in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

AUGUST 09, 2016
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