

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P. (C) 8705/2016, CM APPL.35743/2016

M/S SHIVAM IMPEXTHROUGH: ITS PROPRIETOR ASHOK
KUMAR

..... Petitioner

Through: Mr. Prem Ranjan Kumar, Advocate.

versus

THE COMMISSIONER OF CUSTOMS, THE DEPUTY
COMMISSIONER OF CUSTOMS & ANR.

..... Respondents

Through: Mr. Pramod Kr. Rai, Sr. Standing
Counsel with Mr. Deepak Anand, Jr. Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

06.10.2016

%

The claim in this petition is that the bank guarantees insisted upon by the Revenue sometime in 2006, in respect of consignments delivered at that time have not been discharged despite repeated requests.

Counsel for the revenue after notice submits upon instructions that the assessments are likely to be completed and that one assessment has been completed and in respect of the other bills of entry, the adjudication process is likely to end shortly.

Counsel for the petitioner urges that assessment in respect of one bill of entry was completed without notice and that he became

aware of it only today during the course of hearing.

It is evident that the revenue has no explanation as to the long delay of about a decade that occurred on account of the adjudication proceedings. This has led to some prejudice to the petitioner which has been perforce compelled to keep the bank guarantees alive.

In the peculiar circumstances, the respondents are directed to discharge the bank guarantees even while at the same time the personal bond of the petitioner is kept alive. This is without prejudice to the petitioner's right to challenge the adjudication proceedings in accordance with law.

Writ Petition stands disposed of.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 06, 2016

/vikas/