

\$~ 31 to 33 & 21

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

+ **W.P.(C) 9191/2017**

M/S OPTIMUS ENTERPRISES

..... Petitioner

Through : Mr. Vikram Chaudhri, Sr.
Adv. with Mr. Sangram
Saron and Mr. Harshit Sethi,
Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr Satish Aggarwala, Advocate for
DRI.
Mr Amit Bansal and Mr Akhil
Kulshrestha, Advocates for R-2, 5 to
9.
Mr Sanjeev Narula, Advocate for R-5
to 7.

+ **W.P.(C) 9682/2017**

M/S TRADE IMPEX

..... Petitioner

Through : Mr. Vikram Chaudhri, Sr.
Adv. with Mr. Sangram
Saron and Mr. Harshit Sethi,
Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr Satish Aggarwala, Advocate for
DRI.
Mr Vivek Goyal with Mr Rajeev
Ranjan Shastri, Advocates for R-1.
Mr Amit Bansal and Mr Akhil
Kulshrestha, Advocates for R-2,
5 to 9.

+ **W.P.(C) 9683/2017**

M/S KHALSA ENTERPRISES

..... Petitioner

Through : Mr. Vikram Chaudhri, Sr.
Adv. with Mr. Sangram
Saron and Mr. Harshit Sethi,
Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr Satish Aggarwala, Advocate for
DRI.
Mr Vivek Goyal with Mr Rajeev
Ranjan Shastri, Advocates for R-1.
Mr Amit Bansal and Mr Akhil
Kulshrestha, Advocates for R-2, 5 to
9.

+ **W.P.(C) 9684/2017**

M/S SKYLARK EXPORTS

..... Petitioner

Through : Mr. Vikram Chaudhri, Sr.
Adv. with Mr. Sangram
Saron and Mr. Harshit Sethi,
Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr Satish Aggarwala, Advocate for
DRI.
Mr Vivek Goyal with Mr Rajeev
Ranjan Shastri, Advocates for R-1.
Mr Amit Bansal and Mr Akhil
Kulshrestha, Advocates for R-2, 5
to 9.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

17.11.2017

CM No.41679/2017 (direction on b/o.R-4) in W.P.(C) 9191/2017

CM No.41677/2017 (direction on b/o.R-4) in W.P.(C) 9682/2017

CM No.41676/2017 (direction on b/o.R-4) in W.P.(C) 9683/2017

CM No.41288/2017(orders) in W.P.(C) 9684/2017

1. In these applications, common grievance by the Directorate of Revenue Intelligence (DRI) is that despite the orders of 06.11.2017 (the writ petitions in question finally disposed of), the non-applicants/writ petitioners did not comply with the requirement of (a) presence at the ports concerned; (b) facilitate and cooperate in the drawing of the representative samples for the purposes of testing.
2. It is pointed out that in one of the cases, i.e. W.P.(C) 9191/2017, the voluntary statement recorded by the deponent, i.e. Mr Prince Malhotra is even to the fact that he never in fact signed on the Vakalatnama and that he had no connection with the consignment.
3. The learned counsel, who appeared for the non-applicants/writ petitioners, submits that they do not wish to continue in these proceedings on the nature of allegations, in addition placed on record certain copies of documents such as Importer-Exporter Code Certificate, Pan Card, Aadhar Card, KYC Details etc.) to say that they were under the *bona fide* impression that the instructions were properly given.
4. Having regard to the controversy as to whether the writ petitioners/non-applicants in fact complied with the directions made at their behest in the first instance of drawing of samples for their clearance from the ports concerned, this Court is of the opinion that the conduct indicated in these applications should result in the DRI being permitting to take

appropriate action in accordance with law.

5. The samples drawn by the DRI (said to be in the presence of the Custodian's representative) may be analysed and appropriate orders in accordance with law, as to the nature of the consignments may be made.

6. The Court is of the opinion that any action taken against the consignor should not, in any manner, reflect on the counsel, who have appeared in the matters, since their conduct is shown to be *bona fide*.

7. The applications are allowed in the above terms.

8. Order *Dasti*.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 17, 2017

‘Sn’