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

+ **W.P.(C) 10179/2017 & CM 41554/2017**

AJANTA OFFSET& PACKAGINGS LIMITED Petitioner

Through : Mr Yogendra Aldak, Mr Karan
Sachdev and Ms Apeksha Mehtra,
Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through : Mr Sanjeev Narula, CGSC with
Ms Anumita Chandra, Advocate for
R-1.
Mr Anubhav Ray, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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16.08.2018

The petitioner is aggrieved by ten Orders-in-original issued by the Deputy Commissioner of Customs. It complains of the order made *ex-parte* based upon default of production of Export Obligation Discharge Certificate (EODC) from the appropriate officials, i.e. the Director General of Foreign Trade (DGFT).

It is submitted that in all the impugned orders, the full value of the bond had been invoked and duty demanded whereas if there were infractions in the proportionate amounts to the extent of shortfall of the export, obligations could have been imposed and duty invoked. During the course of the proceedings, counsel appearing for the DGFT was asked to sought instructions from the concerned agencies.

It appears the petitioner's claim with respect to one EODC has been conceded. With respect to the other two Orders-in-Original, two EODC were likely to be issued partially.

In these circumstances, the Court is of the opinion that instead of adjudicating these matters under Article 226 of the Constitution of India, it would be appropriate that the DGFT through its competent officials adjudicates the issue with respect to the grant of EODC in respect of the exports, for which documents and materials shall be placed on record in a time bound manner. The process shall be completed within three months from today.

The EODC to the extent that the petitioner's claims are satisfied, the EODC shall accordingly be issued. The Custom Authorities shall proceed to pass appropriate orders afresh in the light of the EODC or the necessary orders received from the DGFT pursuant to the above directions. The Custom Authorities shall ensure that in case bond is to be invoked, it shall be proportionate to the concerned shortfall of the export obligation and not the entire value of the bond and imposition of the duty shall reflect such proportionate exercise.

The Writ Petition is allowed in the above terms. Pending application also stand disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

AUGUST 16, 2018/§D'