

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**207**

**Date of Decision :24.11.2020**

**CWP-7669-2020 (O&M)**

**M/s. Zee Knits & Weaves Private Limited and another**

**....Petitioners**

**vs.**

**Commissioner of Customs (Export)**

**....Respondent**

**CWP-7661-2020 (O&M)**

**M/s. Worldwide Tradelilnks and another**

**....Petitioners**

**vs.**

**Commissioner of Customs (Export)**

**....Respondent**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI  
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**Present :- Mr. Deepak Gupta, Advocate  
for the petitioners.**

**Mr. Tajender K. Joshi, Advocate  
for the respondent.**

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**AJAY TEWARI, J. (Oral)**

**1. CM-11958-CWP-2020 in CWP-4661-2020**

**This is an application for placing on record rejoinder on behalf  
of the petitioner.**

**For the reasons recorded in the application, the same is allowed**

and rejoinder is taken on record.

**Main cases**

2. Vide this common order, we shall dispose of abovementioned two civil writ petitions as the common question of law and facts are involved therein. For the sake of convenience, the facts are taken from CWP-7669-2020.

3. This writ petition has been filed under Articles 226 & 227 of the Constitution of India seeking quashing of order No.05/2020/Sunil Tated/Commr/ICD/Export/TKD dated 3.3.2020 (Annexure P-4) qua the petitioners.

4. On 3.11.2020 the following order was passed :-

*“The issue survives in the present case is with regard to non-supply of non-relying upon documents.*

*Learned counsel for the respondent seeks an adjournment to file an affidavit in this regard.*

*Adjourned to 24.11.2020.*

*A photocopy of this order be placed on the connected file.”*

5. Today, an affidavit of Sandeep Dewan, Deputy Commissioner of Customs, ICD, Tughlakabad has been filed in which it has been accepted that Non-RUDs were not supplied to the petitioners.

6. Learned counsel for the respondent is not in a position to justify this act of omission.

7. Further, learned counsel for the petitioners has relied upon the judgment of the Supreme Court passed in **Kothari Failaments vs. Commissioner of Customs (Port)** reported as **2009(1) JT 516** and the

judgment of the Bombay High Court passed in **Silicon Graphics System (India) Private Limited vs. Union of India** reported as **2006 (204) E.L.T. 247 (Bom.)**. Learned counsel for the respondent is not in a position to cite any contrary judgment.

8. In the circumstances, the impugned order is set aside. The respondents are directed to supply copies of Non-RUDs to the petitioners and to thereafter take the decision after hearing the petitioners.

9. Petitions stand disposed of.

10. Since the main cases have been decided, the pending application(s), if any also stands disposed of.

( AJAY TEWARI )  
JUDGE

( RAJESH BHARDWAJ )  
JUDGE

24.11.2020  
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No