

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

CWP-22219-2020

Date of decision : 23.12.2020

Arcotech Ltd.

...Petitioner

V/s

Deputy Commissioner of Custom, Inland Container
Depot, Patli, Gurugram & anr.

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Shekhar Verma, Advocate for the petitioner.

RAJAN GUPTA J. (ORAL)

Case has been heard through Video Conferencing in view of
COVID-19 Pandemic.

Notice of motion.

Mr. Saurav Goel, Advocate accepts notice on behalf of the
respondents.

Petitioner has posed a challenge to order, Annexure P-13 whereby
his request for making the payment of custom duty in installments was declined.

Operative part of the order reads as under:-

*“Please refer you letter/request dated 16.09.2020 on the
above cited subject.*

*In this regard, it is intimated that competent authority has
not accepted the installment payment request as the same is not
applicable in the instant case. It has also been desired by the
authority to give a firm date immediately by which you will get the
goods cleared from warehouse and pay duty and interest. Your
reply must reach this office within 07 days from the date of receipt
of this letter. ”*

We have put a query to Mr. Sourabh Goel, Advocate who has put in appearance on behalf of the respondents as to the reasons for which the request was declined. No clear answer is forthcoming. Even otherwise, we find order is non-speaking in nature. We, thus, quash the order dated 29.09.2020 (Annexure P-13) with liberty to the respondents to pass a fresh order after considering representation, Annexure P-12 submitted by the petitioner at the earliest, in any case not later than one month.

Petition is allowed in these terms.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

December 23, 2020

Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No