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

Date of decision: 27th February, 2020

+ W.P.(C) 2196/2020 and CM No. 7705/2020

VIJENDRA SINGH

..... Petitioner

Through: Dr. Ashutosh and Ms. Fatima, Advs.

versus

COMMISSIONER OF CUSTOMS
(AIRPORT & GENERAL)

..... Respondent

Through: Mr. Amit Bansal, SSC with Mr. Aman
Rewaria and Ms. Vipasha Mishra,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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27.02.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 2196/2020

1. This writ petition has been preferred with the following prayers:

“a) issue a writ of Certiorari and/ or any other appropriate writ, order and/or direction in the nature thereof thereby quashing the order of the respondent department, forfeiting petitioner's Bank guarantee no.4209ILG000719 OF RS.75,000/-, pursuant to Order-in-Original NO.98/ MK/

POLICY/ 2019 Dated 13.09.2019 and, consequently, seeking issuance of writ of Mandamus, directing the respondent to allow the petitioner to work under his Customs Broker license no. R-29/DEL/CUS/2009; and/ or

b) any other order, as may be deemed fit and proper under the facts and circumstances of the case may also be passed in the matter.”

2. It appears that by way of the present writ petition, the petitioner is seeking stay against the forfeiture of bank guarantee worth ₹75,000/- as well as praying for issuance of writ of mandamus, directing the respondent to allow him to work under his Customs Broker's licence no. R-29/DEL/CUS/2009.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that against the Order-in-Original dated 13th September, 2019 passed by the respondent (Annexure A to the memo of this writ petition), an appeal has already been preferred by the petitioner before the CESTAT, New Delhi.

4. Since, the petitioner has already preferred an appeal before the CESTAT, New Delhi, wherein stay application can be preferred by the petitioner, we therefore direct that as and when such stay application is preferred by the petitioner before the CESTAT, the CESTAT will decide the same, in accordance with law, rules, regulations and the Government policy applicable to the facts of the present case.

5. In view of these observations, we see no reason to entertain this writ petition and the same is hereby disposed of.

CM APPL. No. 7705/2020

1. In view of the order passed in the writ petition, this civil miscellaneous application is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 27, 2020/r.bararia

