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

+ **W.P. (C) 5837/2020 & C.M.No.21103/2020**

**MODAK DYEING AND PRINTING COMPANY PRIVATE
LIMITED**

..... Petitioner

Through: Mr.Dayan Krishnan, Sr.Advocate
with Mr.Ayush A.Mehrotra, Mr.Rajiv
S.Bhatnagar, Ms.Meherunnisa Anand,
Mr.Upkar Agrawal and Mr.Sukrit
Seth, Advocates.

versus

**THE DEPUTY COMMISSIONER OF CUSTOMS DISPOSAL ICD
TUGHLAKABAD & ORS.**

..... Respondents

Through: Mr.Amit Bansal, Sr.Standing Counsel
with Mr.Aman Rewaria and
Ms.Viphasha Mishra, Advocates for
R-1.
Mr.Rishi K. Awasthi with Mr.Keshav
Mohan, Ms.Ritu Manchanda,
Mr.Piyush Vatsa and Mr.Prashant
Kumar, Advocates for R-2.

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Date of Decision: 09th October, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.

2. Today learned senior counsel for the petitioner states that in pursuance to the order dated 28th September, 2020 passed by this Court, the petitioner has paid Rs.100,22,920/- on 30th September, 2020.
3. Learned counsel for respondent no.2-Container Corporation of India Limited confirms the factum of receipt of aforesaid payment. He further states that the balance amount as on 08th October, 2020 due and payable by the petitioner is Rs.1,16,15,920/-. He also states that nine examination job orders have been issued to the petitioner on 30th September, 2020.
4. Learned senior counsel for the petitioner undertakes that the aforesaid balance amount along with any additional demurrage shall be paid within four weeks. He craves leave and liberty to file an application (after making the aforesaid payment) with respondent no.2-Container Corporation of India Limited for waiver of charges in accordance with the existing policy of Container Corporation of India Limited.
5. The aforesaid undertaking and statement is accepted by this Court and the petitioner is held bound by the same. The petitioner is also given liberty to file an application for waiver and the same shall be decided by the Container Corporation of India Limited in accordance with law.
6. In the event of breach of the aforesaid undertaking, respondent no.2-Container Corporation of India Limited shall be at liberty to auction the nine containers of the petitioner forthwith.
7. With the aforesaid directions, the present writ petition with pending application stand disposed of.
8. Needless to say that the order passed in the present writ petition is subject to the order passed in W.P.(C) No.13099/2018.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

**OCTOBER 09, 2020
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