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

% *Decided on: 17th December, 2020*

+ **W.P.(C) 8017/2020**

DESIGNCO

..... Petitioner

Through: Mr.P.C.Patnaik, Adv. with
Mr.J.N.Patel, Mr.Ajay Sharma, Mr.Navjeet Kumar
Giri, Advs.

Versus

UNION OF INDIA &ORS.

..... Respondents

Through: Mr.Sushil Kumar Pandey, Adv. with
Mr.Rahul Mourya, Adv.R-1/UOI.
Mr.Amit Bansal, Senior Standing Counsel with
Ms.Vipasha Mishra, Adv. for R-2&3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.26119/2020 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.8017/2020

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

- “a) issue a Writ in the nature of Mandamus to the Respondents to Refund Rs.12,85,078/- in terms of Notification No.52/2016- Customs dt 23.09.2020 and Public Notice No. 30/2015(DGFT) dt 08.09.2016 by Respondents and*
- b) issue a Writ in nature of Certiorari to quash order in original order dated 28.02.2019 as well as Appellate order dated 24.01.2020 by Respondent No.3 and*
- c) issue Writ in the nature of Mandamus to Respondent No.4/DRI to adjudicate the Show Cause Notice No.60/2014 dated 31.12.2014 and;*
- d) Pass any such other orders which Your Lordships may deem fit in the interest of justices in the facts and circumstances of the present case in favour of the petitioner and against the respondents.”*

2. After canvassing some arguments, learned counsel for the petitioner submitted that at this stage, it would suffice for the disposal of this writ petition if a suitable direction is given to the concerned respondent authorities to adjudicate upon the show cause notice dated 31st December, 2014 issued to the petitioner, in a time bound manner.

3. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case and also looking to the aforesaid submission made by the learned counsel for the petitioner, we direct the concerned authority, that is, Joint/Additional Commissioner of Customs, Customs Commissionerate, Noida to adjudicate upon the show cause notice dated 31st December, 2014 (Annexure P-15 to the memo of this writ petition) in accordance with law, rules, regulations and Government policies applicable to the facts of the case and based on the evidence on record as expeditiously as possible and practicable, preferably within a period of 12 weeks from the date of receipt of this order.

4. In case the petitioner is aggrieved by the order passed by the

Adjudicating Authority while adjudicating upon the aforesaid show cause notice, liberty is reserved with the petitioner to file appropriate proceedings before the appropriate forum in accordance with law, rules and regulations applicable to the facts of the case.

5. All the other issues regarding refund etc., agitated in this writ petition, are left open to be raised in appropriate proceedings before the appropriate forum.

6. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

DECEMBER 17, 2020
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