

CWP No.10152 of 2020(O&M)
Date of decision : 07.07.2021

Radiant Exports Petitioner

versus

Principal Commissioner of Customs & ors. Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE VIKAS BAHL**

Present :- Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Sunish Bindlish, Advocate and
Mr. Gagandeep Singh, Advocate
for respondents No.2 & 3.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the action of the respondents in not registering the duty credit scrip issued under Merchandise Exports from India Scheme by DGFT, Ludhiana on the ground that an investigation has been lodged by respondent No.2.

The primary contention of the counsel for the petitioner is that an investigation started in this case on 03.10.2018 (when a search was conducted on the premises of the petitioner). Almost 3 years have elapsed and the scrips are valid only upto 09.07.2021.

Mr. Sunish Bindlish, Advocate has relied upon two orders passed by the Co-ordinate Bench of this Court in CWP No.8329 of 2014 and CWP No.8439 of 2014, both decided on 17.10.2014. He further states that he has instructions from respondent No.3 who has informed him that if the petitioner is exonerated the scrip can be re-validated.

Mr. Deeptak Gupta, Advocate has very fairly stated that he would abide by the orders passed by this Court in the above-mentioned writ petitions but states that today is already 07.07.2021 and even if 50% of the scrip value can be claimed, the petitioner would have no time to avail the benefit because the scrip would be invalid on 09.07.2021.

Mr. Sunish Bindlish, Advocate has very fairly not opposed the grant of some reasonable time to the petitioner to avail the benefit of the 50% of the scrip which is now going to be registered in terms of the judgments mentioned above.

In the circumstances, the present petition stands disposed of in the same terms as passed in CWP No.8329 of 2014 and CWP No.8439 of 2014, both decided on 17.10.2014 with the further clarification that the petitioner would have 15 days time to obtain the benefit of 50% of a scrip after the same is registered by respondent No.1. It is further clarified that the amount which has been deposited by the petitioner shall not be counted towards 50% which has to be withheld.

Petition stands disposed of in agreed terms as mentioned above.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

07.07.2021

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable

Yes/No

Yes/No