

OD – 4

ORDER SHEET
WPO/156/2018
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

EASTERN TRADERS & ANR.
VS
UNION OF INDIA & ANR.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 8th June, 2022.

Appearance:
Mr. Arijit Chakrabarti, Adv.
Mr. Nilotpal Chowdhury, Adv.
Mr. Prabir Bera, Adv.
...For the Petitioner

Mr. Vipul Kundalia, Adv.
Mr. Sunil Singhanian, Adv.
Mr. Anurag Roy, Adv.
...For DGFT

The Court : Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition for relief of benefit of duty credit in question in favour of the petitioner under the Focus Product Scheme on the basis of several orders of this Court and taken into consideration the letter dated 18th February, 2019 and particularly petitioner's own statement in the said letter relevant portion of which is recorded hereunder :

"We accordingly, pray before your goodself that since the allegation levelled against us by the DRI Authority is under sub-judice, the entire proceedings may kindly be dropped, at this stage, atleast till the disposal of the Appeal. Meanwhile, you can have a lien on our pending claims for

the equivalent amount, as stated herein above, as a measure of absolute precaution.”

In view of pendency of appeal before the appellate Tribunal as appears at page 15 of the affidavit-in-opposition dated 25th April, 2022 affirmed by the petitioner and in view of the order dated 30th April, 2019 passed by the Joint Director of Foreign Trade, I am inclined to dispose of this writ petition by requesting the Customs, Excise and Service Tax Appellate Tribunal to dispose of the appeal in question expeditiously which has been filed on 19th July, 2018 since almost four years have been passed and preferably within three months from date and the benefit of duty credit claimed in this writ petition will depend on final outcome of the aforesaid appeal in question though Mr. Chakrabarti, learned advocate appearing for the petitioner submits that the said appeal has nothing to do with the claim in question in this writ petition.

With these observations and directions, this writ petition being WPO 156 of 2018 stands disposed of.

(MD. NIZAMUDDIN, J.)

