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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24655-2023 (O&M)
Date of Decision: 05.01.2024

M/s Somender Enterprises

.... Petitioner

versus

Axis Bank and others

... Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Raghuvinder Singh, Advocate
for Mr.R.D.Gupta, Advocate for the petitioner.

Mr.D.K.Singal, Advocate for respondents No.1 and 2.

Mr.Prashant Rana, Advocate
for Mr.Sunish Bindlish, Sr.Standing Counsel
for respondent No.3.

G.S.SANDHAWALIA, J. (ORAL)

1. Challenge in the present petition is regarding de-freezing of the bank account No.922030057068169 of the petitioner-concern maintained with the respondent-bank as per Section 110(5) of the Customs Act, 1962. The relief has been prayed on the ground that the attachment period has lapsed in view of the mandatory period of six months provided in the terms of the said Section. On 03.11.2023 we passed the following order :-

“Learned counsel for the petitioner submits that the attachment cannot continue beyond a period of 06 months in terms of the provisions of Section 110 (5) of the Customs Act, 1962.

It is submitted that the necessary e-mail has been sent on 28.09.2023 (Annexure P-3) to the concerned authorities, including the bank officials. Notice of motion.

Mr. D.K. Singla, Advocate, appears and accepts notice on behalf of respondents No. 1 and 2 and has filed his memorandum of appearance in Court today, which is taken on record. He is directed to file his power of attorney by the next date of hearing.

Respondent No. 3 be served through Mr. Sunish Bindlish, Advocate, who is on the panel of the Customs Department, by the next date of hearing.

A copy of the petition be given to both learned counsel by learned counsel for the petitioner during the course of the day.

Adjourned to 04.12.2023.”

2. Today, counsel for respondent No.3 has placed on record communication dated 25.11.2023 whereby letter has been addressed by the Deputy Commissioner Customs, Special Investigation and Intelligence Branch (Port), Custom House, Kolkata to the respondent-bank regarding removal of debit freeze of the said account. A perusal of the same goes to show that respondent No.3 has not extended the debit freeze beyond six months period. The said letter is taken on record.

3. Counsel for the petitioner has submitted that in spite of the said communication the cheques have not been honoured. Counsel for the bank, on the other hand, submits that he has instructions that the account has been declared NPA.

4. In the said circumstances, the writ petition has been rendered infructuous and disposed of accordingly.

5. Petitioner is free to seek its remedy in accordance with law regarding its cause of action, if any, on the factum of being declared NPA

since this is not the subject matter of consideration in the present writ petition.

6. Pending application (s),if any, shall also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

05.01.2024
sunita

Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No