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

(48)

+ **W.P.(C) 7409/2024**

ACME PHALODI SOLAR ENERGY PRIVATE LIMITED

..... Petitioner

versus

ASSISTANT COMMISSIONER OF CUSTOMS & ORS.

..... Respondents

(49)

+ **W.P.(C) 7414/2024**

ACME RAISAR SOLAR ENERGY PRIVATE LIMITED

..... Petitioner

versus

ASSISTANT COMMISSIONER OF CUSTOMS & ORS.

..... Respondents

(50)

+ **W.P.(C) 7435/2024**

ACME DHAULPUR POWERTECH PRIVATE LIMITED

..... Petitioner

versus

ASSISTANT COMMISSIONER OF CUSTOMS & ORS.

..... Respondents

(51)

+ **W.P.(C) 7467/2024**

ACME DEOGHAR SOLAR POWER PRIVATE LIMITED

..... Petitioner

versus

ASSISTANT COMMISSIONER OF CUSTOMS & ORS.

..... Respondents

Present: Mr.Sujit Ghosh, Sr Advocate with Ms.Mannat Waraich, Ms.Ananay Goswami, and Ms.Jaya Rishi, Advocates for petitioner.

Ms.Anushree Narain, SC for the respondents.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU



ORDER

31.05.2024

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1. Mr. Ghosh, learned senior counsel for the petitioners submits that the petitioners have succeeded in earlier writ petitions [W.P.(C) No.10835/2022; W.P.(C) No.10837/2022; W.P.(C) No.10844/2022; and W.P.(C) No.10836/2022] and the Co-ordinate Bench of this Court *vide* judgment dated 06.05.2024 had unequivocally quashed the instructions dated 09.07.2022 issued by the Board for reviewing the existing licenses and taking up of “follow up” action. The Show Cause Notices issued to the petitioners have also been quashed.
2. He submits that in the circumstances, the respondents are required to act in accordance with the licenses issued without questioning the same.
3. Ms. Narain, learned counsel for the respondents submits that notwithstanding the respondents are intending to avail their remedies in respect of the judgment dated 06.05.2024 whereby, the earlier writ petitions [W.P.(C) No.10835/2022; W.P.(C) No.10837/2022; W.P.(C) No.10844/2022; and W.P.(C) No.10836/2022] preferred by the petitioners were allowed, the respondents would ensure that the licenses are duly honoured till any other order is passed by the Court.
4. She submits that the only issue that arises currently is that the value of the bonds submitted by the petitioners exceeds the value of their net worth as well as net worth of their subsidiary companies.
5. Mr. Ghosh, submits that the same cannot be a consideration for not accepting the bonds required for permitting the clearance for ware housing in terms of Section 59 of the Customs Act, 1962.
6. Ms. Narain submits that the petitioners have already filed the



representations, which will be duly considered before the goods imported arrive within the territorial waters of India. The same are expected to arrive on or before 04.06.2024.

7. The learned counsel for the respondents is bound down with the statement.

8. In the event the respondents decide not to accept the bonds, the petitioners would be at liberty to move before the Vacation Bench for seeking urgent relief.

9. In view of above, these petitions stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 31, 2024

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Click here to check corrigendum, if any