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

+ **W.P.(C) 5415/2014 & CM APPL. 10765/2014**

DELHI CUSTOMS CLEARING

..... Petitioner

Through: **Mr. Ranjit Sharma, Advocate**

versus

U.O.I. & ORS

..... Respondents

Through: **Mr. Anjana Gosain, Mr. Nippun Sharma, Advocates for R-1 and 2**
Mr. Atul Sharma, Ms. Ragini Sharma, Advocates for R-3
Mr. Sarul Jain, Advocate for R-4
Mr. Sudhir Naagar, Mr. Piyush Aggarwal, Mr. Arun Kr. Nagar, Mr. Yash Bhardwaj, Advocates for R-5

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

29.01.2024

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1. The present writ petition is filed under Article 226 of the Constitution for issuance of direction for quashing of schedule of charges appended with notification dated 09.10.2007 issued by the respondent no.3 with the direction to the respondents to charge demurrage in accordance with law.

The petitioner has made the following prayer:-

i. Issue an appropriate Writ/Order/direction and quash Schedule of Charges to Notification dt. 9-10-2007 issued by respondent no.3 and direct the respondents to calculate demurrage charges in accordance with law and the order dt. 17.4.2009 passed by this Hon'ble Court in W.P (C) 7172/2007; AND/OR



ii. pass such other order/s as may be deemed fit & proper.

2. The counsel for the petitioner stated that at the relevant time, no agency to clear the consignment was operating on holidays at the time of arrival of the flights, and as such it is not within the capacity of the petitioner to clear the consignment on holidays, and due to this reason, the petitioner is not liable to pay any demurrage charges.
3. The counsel for the respondents stated that the petitioner should submit an appropriate representation, taking all pleas and contentions as taken in the present petition regarding the levy and payment of the demurrage charges, particularly in pursuance of the notification dated 09.10.2007 and that the representation shall be decided/disposed of in accordance with applicable rules and regulations by the respondent no.3 after taking into consideration the submissions to be made on behalf of the petitioner.
4. Accordingly, the present petition is disposed of with the liberty to the petitioner to make a suitable representation accompanied by the necessary documents, if any, to the respondent no.3 or any other respondent taking all the pleas and contentions as mentioned in the present petition within 04 weeks and thereafter, the respondent no.3 is directed to decide/dispose of the representation within 08 weeks after giving proper hearing to the petitioner and also with liberty to file the necessary documents, if any.
5. The respondent no.3 is also directed to intimate the outcome/final decision of the representation within 02 weeks after disposal.
6. In case of any grievance, the petitioner shall be at liberty to initiate appropriate legal proceedings in accordance with law.



7. A copy of this order be given *Dasti* to the petitioner and the respondent no.3 for doing the needful.

DR. SUDHIR KUMAR JAIN, J

JANUARY 29, 2024

j/abk