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CWP-26852-2018 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26852-2018 (O&M)

Date of Decision: 24.04.2025

M/S MALWA INDUSTRIES LTD.

.. Petitioner

Vs.

UNION OF INDIA AND OTHERS

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Deepak Gupta, Advocate and
Mr. Ramneek K. Sandhu, Advocate for the petitioner.

Mr. Sunish Bindlish, Sr. Standing Counsel
for respondent No.2.

Mr. J.S. Lalli, Advocate
for respondents No.1 and 3.

...

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. The present petition has been filed by the petitioner, a Private Ltd. Company, who has approached this Court assailing Annexure P-9 dated 21.08.2018 issued by the Policy Relaxation Committee, and seeks a direction by a writ of Mandamus against respondent No.3 to issue redemption certificate with respect to Advance Licence No.4745893 dated 28.07.2011.

2. Learned counsel for respondents No. 1 to 3 fairly submits that a Division Bench of the Gujarat High Court, by judgment dated 02.03.2021, which was upheld by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.40297-22, '*Union of India & Anr. Vs. M/s Mahalaxmi Rubtech Ltd. And Anr.*', has held Clause 3(a) of Circular No.36/2010-

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Customs dated 23.09.2010, to be ultra vires of Section 149 of the Custom Act.

3. In the aforesaid changed situation of law, the counsel for respondent No.2 fairly submits that respondent No.2 is ready and willing to reconsider the case of the petitioner.

4. Therefore, without commenting upon the merits of the matter, this Court disposes of the petition with a direction to respondent No.2 to consider the claim of the petitioner preferred vide Annexure P-2 dated 02.09.2013 on its own merits by passing a speaking order, without dismissing the same on the ground of limitation, while exercising such consideration within 30 days from the date of receipt of the certified copy of this order.

5. In case the petitioner's claim is not redressed, he shall be at liberty to re-visit this Court.

(SHEEL NAGU)
CHIEF JUSTICE

24.04.2025

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No