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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 4859/2025

JYOTI ENTERPRISESPetitioner
Through: Mr. Salil Arora & Ms. Reeva Chugh
Arora, Advs

versus

ADDITIONAL COMMISSIONER OF CUSTOMS INLAND
CONTAINER DEPOTRespondent
Through: Mr Aakarsh Srivastava, SSC with Mr.
Anand Pandey, Adv. (9871094948)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **24.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 44301/2025

2. This is an application under Section 151 of Civil Procedure Code, 1908 *inter alia* seeking extension of period for filing of the appeal and for waiver of pre-deposit in terms of order dated 4th July 2025.

3. This Court had considered the main petition, being **W.P.(C) 4859/2025**, and had passed a final order dated 4th July, 2025 vide which the Court denying to exercise its writ jurisdiction, had directed the Petitioner herein to avail its appellate remedy in accordance with law in the following terms:

*“9. The matter required a deeper probe which led to the investigation and then the passing of the impugned order. **The Order-in-Original dated 27th March, 2025 clearly shows that there is some kind of a group which is operating for smuggling of poppy seeds and areca nuts. The use of the IEC of the Petitioner cannot prima facie be accepted to be merely an innocent instance of misuse. Moreover, the Petitioner is claiming innocence on the one hand, the exporter has filed a***



writ petition before this Court but it is not clear as to who has acted for the exporter as the authorised person claims to have no knowledge of the case. Only the advocate who filed the writ petition appears to have had knowledge of the case. The entire matter required a deeper probe, after which the Petitioner has been found to be complicit. There appears to be clandestine import of goods like poppy seeds and areca nuts after indulging in misdeclaration. Hence, various facts would have to be gone into.

10. Under these circumstances, the Court is not inclined to entertain a writ petition. The Petitioner is free to avail of his remedies in accordance with law against the Order-in-Original by way of an appeal to the Commissioner (Appeals) under Section 128 of the Customs Act, 1962 along with the requisite pre-deposit.

11. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.”

4. Considering the nature of the matter, the Court is not inclined to waive the pre-deposit. However, it is made clear that the entire period during which the petition remained pending before this Court shall be excluded from the computation of limitation in terms of Section 14 of the Limitation Act, 1963.

5. Since the impugned Order-in-Original is dated 27th March 2025, the Petitioner may file the appeal and the period between 11th April 2025 till today shall remain excluded.

6. It is made clear that the order dated 4th July 2025 was only a *prima facie* opinion of this Court.

7. The application is, accordingly, disposed of.

PRATHIBA M. SINGH, J

SHAIL JAIN, J

JULY 24, 2025kk/Ar.