

(2016) 09 DEL CK 0085

DELHI HIGH COURT

Case No: Writ Petition (C) No. 1697 of 2016 and C.M. Appl. No. 32833 of 2016

HIM Logistics Pvt. Ltd.

APPELLANT

Vs

Principal Commissioner of
Customs

RESPONDENT

Date of Decision: Sept. 7, 2016

Citation: (2016) 341 ELT 57

Hon'ble Judges: S. Ravindra Bhat and Deepa Sharma, JJ.

Bench: Division Bench

Advocate: Shri Priyadarshi Manish and Ms. Anjali J. Manish, Advocates, for the Petitioner;
Ms. K. Enatoli Sema, Advocate, for the Respondent

Final Decision: Disposed Off

Judgement

@JUDGMENTTAG-ORDER

C.M. APPL. 32833/2016 : The appellant seeks liberty and direction to proceed in accordance with law, having regard to the order of this Court disposing of the writ petition on 26-2-2016 [2016 (326) E.L.T. 15 (Del.)].

2. The applicant/respondent submits that of the noticees, i.e. Preeti and Shyam Lal [hereinafter referred to either by their names or witnesses], the former has been cross-examined whereas two efforts at securing the presence of Shyam Lal has so far been unsuccessful. The applicant also states that it has written to the Directorate of Revenue Intelligence (DRI) to ensure the presence of Shyam Lal but without much success so far. In these circumstances, a clarification is sought.

3. Given the nature of dispute and the order, - since the depositions/statements of the said witnesses were ostensibly recorded and relied upon at a previous stage, the respondent/applicant should make all efforts to trace them, and permit their cross-examination before making the order. However, this is not in any way to be construed as an expression with respect to the rights of the applicant to proceed once it makes all reasonable efforts to secure the presence of the said witness

(Shyam Lal). In other words, the respondent is directed to dispose of the matter expeditiously after exhausting all reasonable efforts to secure the presence of the witness (Shyam Lal).

4. All rights and contentions of the parties are reserved.

5. The application is disposed of in terms of the above clarification.