

## HIM Logistics Pvt. Ltd. Vs Principal Commissioner of Customs

**Court:** DELHI HIGH COURT

**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.