

Mohan Sen Vs Union of India (UOI)

Court: Delhi High Court

Date of Decision: Nov. 6, 2001

Acts Referred: Constitution of India, 1950 " Article 226

Citation: (2003) 161 ELT 61

Hon'ble Judges: Ramesh Chandra Chopra, J; Arun Kumar, J

Bench: Division Bench

Advocate: Rajiv Nayyar and R.K. Handoo, for the Appellant; Jayant Bhushan, for the Respondent

Judgement

1. By an order dated 20th November, 2000 the CEGAT had directed the respondents to return the seized amount of US \$ 1,30,000 to the

petitioner herein. The amount has not so far been returned to the petitioner. Ultimately, the petitioner had to file this petition seeking directions to

the Government to release to the petitioner US \$ 1,30,000 with interest. According to the learned counsel for the petitioner, the petitioner has no

other remedy to enforce the order of the CEGAT and Therefore he had to approach this Court by way of the present writ petition. Learned

Counsel appearing for the respondents submits that the respondents have sought a reference in the Bombay High Court against the order of the

CEGAT dated 20th November, 2000. He further submits that since a reference Court has no power to grant stay, the respondents approached

the CEGAT for stay of the directions regarding return of the aforesaid amount. It appears the CEGAT has not granted any stay order on the

application moved by the respondents before it. By an order passed on 17th September, 2001, this Court hoped that the CEGAT will dispose of

the stay application at an early date. The parties were directed to appear before the CEGAT on 26th September, 2001 so that the Tribunal could

take steps to dispose of the applications as early as possible, preferably, by 15th October, 2001. Inspire of the said order the fact remains that the

stay application, has not been disposed of by the CEGAT so far. The learned Counsel for the petitioner submits that the order directing return of

money was passed by the CEGAT on 20-11-2000 and almost full one year has gone by and the petitioner is still waiting for the return of the

money due and returnable to the petitioner by CEGAT. In these circumstances, the petitioner submits that it cannot be expected to wait indefinitely

for return of money found returnable to him by a competent Tribunal. Keeping in view all the facts, we direct the respondents to return the amount

of US \$ 1,30,000 in terms of the order of CEGAT dated 20-11-2000 to the petitioner within four weeks from today. With these directions, this

writ petition is disposed of.

2. No order as to costs.