

(2001) 11 DEL CK 0067

Delhi High Court

Case No: Civil Writ Petition No. 4093 of 2001

Mohan Sen

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

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**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

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### 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.