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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8397/2026, CM APPL. 39398/2026 and CM APPL. 39399/2026

HOLITECH INDIA PRIVATE LIMITEDPetitioner

Through: Mr. Anku Jain, Mr. Pranav Ojha, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Varun Mishra, SSC with Mr. Ashar Hussain, Adv. for R-4 & 6.

Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Mr. Aryaman Singh Chouhan, Mr. Aditya Chaudhary, Advs. for R-5.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MS. JUSTICE SHAIL JAIN

ORDER

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07.07.2026

1. Learned counsel representing the Petitioner prays for an adjournment to amend the prayer made in paragraph no. 56.1 of the present Writ Petition.
2. In substance, the prayer sought by the Petitioner is for issuance of a writ in the nature of *mandamus*, instead of a writ in the nature of *certiorari*, declaring Section 127C(12) of the Customs Act, 1962 to be unconstitutional as being violative of Articles 14 and 21 of the Constitution of India.
3. Since it is only a formal and technical amendment, the request of adjournment for filing of an application is declined. However, the prayer contained in paragraph 56.1 of the present Writ Petition shall



be deemed to be amended by deleting the prayer for issuance of a writ in the nature of *certiorari* and substituting the same with a prayer for issuance of a writ in the nature of *mandamus* declaring the aforesaid provision as unconstitutional.

4. Learned counsel representing the Respondent Nos.4 and 6 has drawn the attention of the Court to the order passed by the Settlement Commission on 02.05.2024 wherein, the application filed by the Petitioner was disposed of as the Petitioner failed to deposit the complete amount. Learned counsel has further drawn attention of the Court to proceedings in the second round, wherein, the Interim Board for Settlement noted that the Petitioner has shifted its stand and also failed to deposit the entire amount.

5. In the present case, the Petitioner, in substance, prays that the Interim Board for Settlement should decide its application on merits, instead of disposing the same as having abated upon expiry of the maximum period of 12 months. The Interim Board for Settlement is not working since the *Quorum* is not complete.

6. Learned counsel representing the Respondent Nos.4 and 6 seeks and is granted a short accommodation to get complete instructions before assisting the Court on the next date of hearing.

7. List for final disposal on 14.07.2026 in the Supplementary List.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

JULY 07, 2026

jai/kb