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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7048/2010**

NOVALUX LTD

.....Petitioner

Through: Ms. Maneesha Dhir, Advocate

versus

UOI AND ORS

.....Respondents

Through: Mr. Ruchir Mishra, Mr. Mukesh Kr. Tiwari, Ms. Reba Jena Mishra, Ms. Harshita Sharma, Advocates for R-1,2 and 3 with Mr. Devrat Yadav, GP

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

07.01.2025

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1. The present Petition seeks to challenge the Order dated 28.05.2009 passed by the Respondent No. 2 and the Order dated 18.02.2008 passed by the Respondent No. 3. The Petitioner further seeks a direction declaring that the Petitioner has duly fulfilled its export obligations under Advance Licence bearing No. 03004617 dated 27.09.1995.
2. Learned Counsel appearing on behalf of the Petitioner submits that the original documents required for the grant of the relief were submitted to the Respondent No. 4/Commissioner of Customs.
3. Learned Counsel appearing on behalf of the Respondent Nos. 1, 2 and 3 however states to the contrary. He relies on the Counter Affidavit filed by the Respondent No. 4 dated 13.01.2011, more specifically to paragraph 1 of the Reply on Merits wherein it is stated that the Customs authorities have



denied the receipt of the original Bank Realization Certificate and the original Export Promotion copy of shipping bills. Reliance is placed on the extract of the Counter Affidavit filed by the Respondent No. 4, which is below:

“The original Bank Realisation Certificate and original Export Promotion copy of shipping bills have never been submitted to Customs. In case of Shipping Bills, the Customs attested DEEC copy of shipping bill was submitted.”

4. None appears on behalf of the Respondent No. 4/ Commissioner of Customs.
5. Issue default Notice to the Respondent No. 4/Commissioner of Customs through Standing Counsel.
6. Learned Counsel for the Petitioner submits that Counter Affidavit of the Respondent No. 4/Commissioner of Customs sets out that all original documents which were submitted to the Customs are clearly mentioned in the “Acknowledgment issued by the Customs”, however, no documents or acknowledgment has been placed on record along with Counter Affidavit.
7. Let an Affidavit be filed along with documents referred to by the Respondent No. 4/The Commissioner of Customs, within four weeks.
8. The concerned official of the Customs Department shall also remain present physically in the Court along with original documents filed on the next date of hearing.
9. List on 20.02.2025.
10. Parties shall act based on the digitally signed copy of the Order.

TARA VITASTA GANJU, J

JANUARY 7, 2025/g.joshi

[Click here to check corrigendum, if any](#)