

15.09.2021
p.b.
Sl. No.1.

W.P.A. 21840 of 2018
With
CAN 1 of 2020
CAN 2 of 2020
CAN 4 of 2021

Allied ICD Services Limited
Vs.
Commissioner of Customs (Prev.)
W.B. & Ors.

(Via Video Conference)

Mr. Jishnu Saha,
Mr. Sarathi Dasgupta,
Mr. Souvik Bhadra,
Mr. Vikram Chaudhury,
Mr. Nikhil Gupta.
.....for the petitioner.

Mrs. Chandreye Alam.
.....for the UOI.

Mr. U. S. Bhattacharya,
Mr. B. P. Banerjee.
.....for the respondents.

This matter has come up at the instance of both the parties under the heading “To be Mentioned”.

Learned advocate for the petitioner submits that the interim order which was initially passed in this writ petition on 19th October, 2020 has been extended from time to time and it is going to expire today i.e. on 15th September, 2021.

Learned advocate appearing for the respondents opposes the extension of interim order by contending that they have filed application for vacating the interim order and insist upon hearing of the said application for interim order and dispose the same. In this matter, affidavits are

complete and matter should be treated as ready for hearing. So far as submission of the petitioner opposing the prayer of the petitioner for extension of interim order, I am of the view that it cannot be considered for the reason that the initial interim order was passed after hearing both sides and if all respondents were aggrieved by such interim order, they could have appealed against the said order. But, they have chosen not to do so. Furthermore, the interim order is subsisting in the matter almost for a year and application for vacating of the interim order has been passed after 11 months from the initial interim order. The main writ petition is ready for hearing and it should be heard finally and disposed of.

Let this writ petition appear for final hearing along with the application for vacating the interim order on 3rd December, 2021.

Subsisting interim order shall continue till 24th December, 2021 or until further order whichever is earlier.

Petitioner shall file affidavit in opposition to the application for vacating the interim order by 8th November, 2021; respondents to file reply thereto by 15th November, 2021.

Both the parties should be ready with short written notes of argument.

(Md. Nizamuddin, J.)