

21-03-2022
Item No.1 & 2
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.21840 of 2018
Allied ICD Services Limited

-vs-

Commissioner of Customs (Prev.) W.B. & Ors.

with

CAN No.1 of 2020

with

CAN No.2 of 2020

with

CAN No.3 of 2020

and

CAN No.4 of 2021

with

WPA No.10617 of 2021

Mr. J.P. Khaitan

Mr. D. Ghatak

Mr. P. Jain

...for the petitioner

Ms. Chandreyi Alam

...for the Union of India

Mr. Uday Sankar Bhattacharya ...for the Customs
(in WPA 21840/18)

Mr. Bhaskar Prosad Banerjee

Mr. Tapan Bhanja

Ms. A. Rajyashree

...for the Customs
(in WPA 10617/2021)

Heard learned advocates appearing for the
respective parties.

Pursuant to my earlier order dated March 3, 2022
when Mr Khaitan, learned senior advocate appearing for the
petitioner in both the cases, had made a proposal so that
the cases could be properly settled, but both Mr
Bhattacharya and Mr Banerjee, learned advocates
appearing for the respective respondents, are not fully
agreeable to accept the proposal of paying the cost of

recovery charges without prejudice to their rights and contentions to renew the licence in question; and Mr Khaitan submits that the respondents are insisting the petitioner to pay interest as per some relevant circular which he is disputing by contending that the payment of interest prior to the date of issuance of the circular in question does not arise, since the same could not be applied retrospectively to the petitioner's case. Mr Khaitan also raises an issue as to whether respondents are entitled to raise the demand on account of interest without supported by any statutory provision.

Considering the submission of the respective parties, I am of the view that the petitioner should come up with an appropriate application to bring it on record of subsequent developments and the nature of relief now it is asking.

Let such application be filed by the petitioner, upon service on the respondents, by March 28, 2022; opposition to the said application by the respondents be filed by April 5, 2022 positively.

List these writ petitions fairly at top on April 6, 2022 under the heading "Application" as specially fixed.

[Md. Nizamuddin, J]

