

S/L 14-15
18.8.2023
Court No.26
SD

WPA 21840 of 2018
With
CAN 1 of 2020
With
CAN 2 of 2020
With
CAN 3 of 2020
With
CAN 4 of 2021
With
CAN 5 of 2022
With
CAN 6 of 2023
With
WPA 10617 of 2021
With
CAN 1 of 2022
With
CAN 2 of 2023

Allied ICD Services Limited
Vs.

The Chief Commissioner of Customs, Kolkata Customs Zone
& Ors.

Mr. J.P. Khaitan, Sr. Adv.
Mr. Debashish Das
Mr. Debangshu Ghatak

...for the Petitioner.

Mr. Uday Shankar Bhattacharya
Mr. K.K. Maiti
Mr. Bhaskar Prasad Banerjee
Mr. Tapan Bhanja
Ms. Aishwarya Rajyashree

...for the Customs Authorities.

Ms. Chandreyi Alam

...for the Union of India.

Heard counsel appearing on behalf of the parties.

By an order dated July 28, 2023, a coordinate Bench
of this Court had directed as follows:-

*“Mr. Ahmed, learned Advocate appearing for the
petitioner submits that licence in question which has been
extended from time to time may be extended for a longer
time and at least till the disposal of the writ petition.*

considering such submission it is expected that the respondent authority concerned shall go on extending the tenure of licence during the pendency of the writ petition by imposing reasonable condition. Liberty is granted to the petitioner to make appropriate application against the notice dated 13th July, 2023, issued during pendency of the writ petition, before the Bench taking the ready matters, within a period of two weeks. Till such time, the respondent authority concerned shall maintain status quo with regard to the notice dated 13th July, 2023.

Respondents shall be at liberty to file affidavit-in-opposition to the supplementary affidavit and CAN applications."

Subsequently, on August 11, 2023, the interim order passed on July 28, 2023 was extended by this Court for a period of four weeks.

It is to be noted that affidavits are complete with regard to CAN 1 of 2020, CAN 2 of 2020, CAN 3 of 2020, CAN 4 of 2021, CAN 5 of 2022 in WPA 21840 of 2018 and CAN 1 of 2022 in WPA 10617 of 2021. However, it is to be noted a supplementary affidavit was filed to CAN 5 of 2022 in WPA 21840 of 2018 to which no affidavit-in-opposition has been filed by the respondent authorities.

Accordingly, let affidavit-in-opposition with regard to the supplementary affidavit to CAN 5 of 2022 as also applications being CAN 6 of 2023 in WPA 21840 of 2018 and CAN 2 of 2023 in WPA 10617 of 2021 be filed within a period of three weeks from date. Reply thereto, if any, be filed two weeks thereafter.

Let both the writ petitions along with connected applications appear under the heading 'Hearing' seven weeks hence.

Parties are directed to file their short written notes of arguments along with judgments they are relying upon within six weeks from date.

I make it clear that point of maintainability with regard to CAN 6 of 2023 and supplementary affidavit to CAN 5 of 2022 is kept open.

The subsisting interim order is extended for a further period of eight weeks from date.

(Shekhar B. Saraf, J.)