



2020-TIOL-569-HC-DEL-CUS

IN THE HIGH COURT OF DELHI

WP(C) No.2196/2020

CM No. 7705/2020

VIJENDRA SINGH

Vs

COMMISSIONER OF CUSTOMS  
AIRPORT AND GENERAL

D N Patel, CJ & C Hari Shankar, J

Dated: February 27, 2020

**Appellant Rep by:** Dr Ashutosh and Ms. Fatima, Advs.

**Respondent Rep by:** Mr Amit Bansal, SSC with Mr. Aman Rewaria and Ms. Vipasha Mishra, Advs.

**Cus** - The petitioner is a Customs broker, seeking stay on the forfeiture of bank guarantee and also sought that directions be issued allowing him to work under his Customs Broker's license.

**Held** - It is seen that an appeal has already been filed against the subject O-i-O before the CESTAT, where the petitioner can seek stay on the operation of the O-i-O - It is directed that as an when such application is filed, the same may be processed as per law - Hence the present petition need not be entertained: HC

Writ petition disposed of

#### JUDGEMENT

Per: D N Patel:

W.P.(C) 2196/2020

1. This writ petition has been preferred with the following prayers:

*"a) issue a writ of Certiorari and/ or any other appropriate writ, order and/or direction in the nature thereof thereby quashing the order of the respondent department, forfeiting petitioner's Bank guarantee no.4209ILG000719 OF RS.75,000/-, pursuant to Order-in-Original NO.98/ MK/ POLICY/ 2019 Dated 13.09.2019 and, consequently, seeking issuance of writ of Mandamus, directing the respondent to allow the petitioner to work under his Customs Broker license no. R-29/DEL/CUS/2009; and/ or*

*b) any other order, as may be deemed fit and proper under the facts and circumstances of the case may also be passed in the matter."*

2. It appears that by way of the present writ petition, the petitioner is seeking stay against the forfeiture of bank guarantee worth Rs. 75,000/- as well as praying for issuance of writ of mandamus, directing the respondent to allow him to work under his Customs Broker's licence no. R-29/DEL/CUS/2009.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that against the Order-in-Original dated 13th September, 2019 passed by the respondent (Annexure A to the memo of this writ petition), an appeal has already been preferred by the petitioner before the CESTAT, New Delhi.

4. Since, the petitioner has already preferred an appeal before the CESTAT, New Delhi, wherein stay application can be preferred by the petitioner, we therefore direct that as and when such stay application is preferred by the petitioner before the CESTAT, the CESTAT will decide the same, in accordance with law, rules, regulations and the Government policy applicable to the facts of the present case.

5. In view of these observations, we see no reason to entertain this writ petition and the same is hereby disposed of.

**CM APPL. No. 7705/2020**

1. In view of the order passed in the writ petition, this civil miscellaneous application is disposed of.

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