

CURRENT STATUS OF PENDING/ONGOING COURT CASES (SEZ)

SL. No.	W.P. No.	Petitioner –Vs- Respondents	Court Order if any	Present status of the case.
1.	964 of 2014	M/s. Scandia Investments Pvt. Limited & Anr -Vs- U.O.I. & Anr.	<p>Issue :</p> <p>Payment of differential amount of interest of Rs.5,26,360/- in terms of Customs Notification No.25/2002 (NT) announcing of new rate of interest @ 8% dt.13.05.2002.</p> <p>Affidavit in Opposition be filed by 1st December, 2014. List this application on 10th December, 2014. Affidavit in reply may be filed in the meantime.</p>	<p>Affidavit in Opposition has been filed on 27th November, 2014. List this application on 10th December, 2014.</p> <p>The matter was came up for hearing before the Hon'ble Justice Debangsu Basak on 2.05.2017 and after hearing the matter was pleased to dispose of the Writ Petition by an order dated 2.5.2017 directing to the Respondent No.2 (Development Commissioner) to consider and decide the application dated June 9, 2010 in accordance with law. The respondent No.2 will afford a reasonable opportunity of hearing to the petitioners. He will pass a reasoned order, which will communicate to the petitioners forthwith and to complete the exercise within four weeks from the date of communication of this order. Accordingly, the Respondent No.2 compiled the Court Order dated 2/5/2017 (1) Personal hearing granted before the DC/FSEZ on 1/8/2017 and issued a Reasoned Order dated 2/8/2017 in favour of Advocate of the Petitioner as well to the Petitioners [M/s. Scandia Investments Pvt. Ltd.</p>

2.	W.P. No.959 of 2013	Kariwala Industries Limited – Vs- Development Commissioner, FSEZ & Ors.	Issue : Mater relating for nonpayment of Duty Drawback Claim for the FY 2008-09, applied to the Assistant Commissioner of Customs, Falta SEZ, Falta	<p>The Govt. Counsel was forwarded a copy of letter dated 25.9.2013 informing that the matter came up for hearing on 25.9.2013 before the Hon'ble justice Harish Tandon and he was appeared on behalf of Union of India and after hearing the Hon'ble Justice was pleased to release the matter of personal ground. Finally, as per Court Order dated 25.9.2013, the Hon'ble Justice Harish Tandon, was issued an order that "I am not inclined to take up the matter on my personal ground. Let this matter be released from my List. Hence the matter has been released. Further the matter has come up for hearing and affirmed/filed the Affidavit in Opposition by the Specified Officer on 18th March, 2014 to the Hon'ble High Court at Calcutta by the Govt. Counsel, engaged by the Commissioner of Customs, Legal Cell, which was informed to the Law Ministry on 10th April, 2014.</p> <p>The case is running in the Cause List. Notes of arguments have been exchanged between advocates of both sides. Presently waiting for order from Hon'ble Court.</p>
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3.	W.P. No. 3532 (W) 2014	M/s. Plastolene Polymers Private Limited –Vs- Union of India & Ors.	<p>Issue :</p> <p>Being aggrieved on the quantum of annual capacity as restricted in their LOP as per directives given in Plastic Policy & BOA.</p>	<p>The matter came up for hearing in Court No.22 in the Hon’ble Justice Harish Tandon and the matter has been released from the Court No.22 to Court No.15, as reported by the Govt. Counsel. The matter is still pending with the Hon’ble Court. Not yet listed for further hearing in the Hon’ble Court of Justice Dipankar Datta as on date.</p>
4.	W.P. No.992 of 2002	Plastolene Polymers Private Limited –Vs- Union of Indian & Others	<p>The matter related for non release of DTA Sale by the Customs Authority and in this respect the then Dy. Commissioner of Customs was already affirmed the affidavit in Opposition and also issued a Show Cause cum Demand Notice.</p>	<p>The matter was heard in the Court of Hon’ble Justice Debangsu Basak on 10th March, 2016 and passed an order “ I find that the petitioners’ have utilized the interim order dated 17/5/2002. They have sold the goods. They are not in a position to state as to whether or not the bank guarantee required to be furnished is still alive. They are also not in a position to state the value of the goods sold. The petitioners will therefore files an affidavit by all the directors of the first petitioner disclosing their individual assets. The first petitioner will disclose the assets available to satisfy the indemnity furnished by it as also the bank guarantee.</p> <p>In view of the state of affairs a prevailing the petitioners as also each of the directors of first petitioners which would include every person who was on the board of directors of the first petitioner on and from date of interim order dated 17/5/2002 are restrained from operating any bank account either in their personal</p>

			<p>name or as a signatory of any legal entity in any manner whatsoever until further orders save and except for making payment towards tax, revenue and statutory liabilities each of such persons re also restrained from selling and/or transferring and/or alienating any assets until further orders.</p> <p>Further, the matter was heard in the Court of Hon'ble Justice Debangsu Basak on 18th March, 2016 and passed an order "the Respondent No.3 will affirm an Affidavit stating the details of the Bank Guarantees, the Indemnity Bond, the amount of the duty payable and any other amount realizable by the department against the first writ petitioner on the next date of hearing. He will also make necessary enquiries as to the business of the petitioners. He will incorporate the result of the enquiry in his affidavit. Such affidavit has to be filed on the next date of hearing. The respondent No.3 will communicate this order to the Bidhannagar Police Commissionerate with a request for compliance. Let this writ petition for further consideration on March 30, 2016 on which date the persons directed to be present must be present in the Court. The matter was heard by the Hon'ble Justice Debangsu Basak on the</p>
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				<p>following dates</p> <p>30/3/2016, 31/3/2016, 22/4/2016, 11/5/2016 & 29th June, 2016, finally on 29th June the Ld. Advocate for the Customs Authorities submits that the authorities required some time to retender the goods. In such circumstances, list the writ petitions on August, 3, 2016.</p> <p>The case is dismissed vide Order dated 25.04.17 with certain directions to the Development Commissioner to recover the amount involved in indemnity Bonds (@ Rs.1.29 Cr.) from the officers involved in this case. The Development Commissioner has directed to file an appeal before the Hon'ble Division Bench and the Ministry of Law has also granted permission to file the same. Preparation of appeal memorandum along with stay application is in process.</p>
5.	W.P. No.4178 (W) of 2016	Pasari Silk Industries Ltd & Anr. –Vs- Union of India & Others.	<p>Issue : Being aggrieved with the Office Order dated 16/2/2016 in compliance with the Court Order dated 30/9/29015 passed in W.P. No.30491(W) of 2014 and given an opportunity for a Personal Hearing by the Secretary FSEZA instead of Respondent No.2 i.e. the Development Commissioner.</p>	<p>The matter was heard in the Court of Hon'ble Justice Dipankar Data on 16/3/2016 and passed an order that "Instead of the DC, the ADC & Secretary, Falta SEZ has passed an order dated 16/2/2016 disposing of the petitioners' representation/application referred to above, which is impugned in this writ petition. Any Order passed by an administrative authority in violation of an order of the court exercising power under Article 226 of the Constitution in a nullity. It is only on this short ground that the impugned order is liable to be and is, accordingly set aside. Accordingly it was passed that the DC shall proceed to</p>

				comply with the order dated 30 th September, 2015 passed by the coordinate Bench in the manner directed therein by April, 2016 positively. The Writ Petition stands disposed of.
6.	W.P. No. 33831(W) of 2014	M/s. Antarctica Limited –Vs- Union of India & Ors.	Issue : Being aggrieved with the decision of this office for keeping their LOP in abeyance since huge rental dues including penal interest was outstanding for a considerable period the unit have filed the WP	<p>On receipt of communication dated 22.12.2014 this office has already requested to engage the Govt. Counsel to defend the case. The MOL accordingly engaged the Govt. Counsel. The matter was heard by the Hon'ble Justice Debangsu Basak on 3rd September, 2015, The synopsis of Court Order dated 3/9/2015 as follows :</p> <p>The disputes revolve around accounts between the parties. Such account is required to be looked into by the authorities.</p> <p>It is expected that the Respondent No.2 looks into the accounts and decides the issue of the liability of the writ petitioner, if any, towards the authorities on account of interest or otherwise within a period of four weeks from the date of communication of the order to him.</p> <p>As an interim measure, the writ petitioner will deposit a sum of Rs.12.00 lakhs with the respondent No.2 who shall deposit the sum with a nationalized bank in a suitable interest bearing fixed deposit</p>

				without any lien. The directives of the Court Order dated 3/9/2015 has been compiled by this office letter dated 12/11/2015. Necessary action has been taken from the Estate Division.
7.	W.P. No.1206 (W) of 2016	M/s. Antarctica Limited –Vs– Union of India & Ors.	Issue : Being aggrieved with the decision of Court Order of Hon’ble High Court, Calcutta dated 3/9/2015 (as regards earlier WP. 33831(w) of 2014), as communicated vide this office Order dated 12/11/2015 including payment of Lease Rent as revised effective from 1.4.2013 the unit have filed the WP.	The matter is yet to be listed in the Court of Hon’ble Justice Dipankar Datta. Further in the last week contacted with the Govt. Counsel & he has informed verbally that the matter has not yet listed as on date. As per directions passed by the Hon’ble High Court the Development commissioner Falta SEZ revisit the issue and passed an Order on 12/7/2017.
8.	W.P. No. 3991 (W) of 2014	M/s. Precision Polyplast Pvt. Limited –Vs- Union of India & Ors.	Issue : Being aggrieved the decision against Union of India, Ministry of Commerce & Industry, Govt. of India regarding implementation of New Plastic Policy on recycling of Plastic Scrap or waste with imposition of minimum physical export criteria.	The Affidavit in Opposition was affirmed on the day of 2nd July, 2014 to the Kolkata High Court. The matter is still pending with the High Court at Calcutta for issue of final order. On 24th July, 2014 the office was moved and present in the Court before appearing of the hearing. But the matter neither was heard on that day. This office is continuous touch with the High Court at Calcutta. It is yet to be listed. The matter was heard by the Hon’ble Justice Arijit Banerjee on 16/12/2015, the court order as follows : The Court is in the process of hearing and disposing of the three writ petitions

				<p>finally.</p> <p>The learned counsel appearing for the respondents in their usual fairness state that no action will be taken the writ petitioners during the pendency of the writ petitioners. On the basis of such assurance no formal order is passed.</p> <p>The matter was discussed again and again with the then Sr. Central Govt. Advocate/In-charge, Ministry of Law & Justice, Kolkata and the Govt. Counsels with a request to mention the matter to the Hon'ble High Court but it is not yet listed. This office in touch regularly.</p>
9	W.P. No. 4024 (W) 2014	M/s. Amaranth Enviroplast Limited & Anr. –Vs- Union of India & Ors.	<p>Issue :</p> <p>Being aggrieved the decision against Union of India, Ministry of Commerce & Industry, Govt. of India regarding implementation of New Plastic Policy on recycling of Plastic Scrap or Waste with imposition of minimum physical export criteria .[Clause X of the Plastic Policy]</p>	<p>The Affidavit in Opposition was affirmed on the day of 2nd July, 2014 to the Kolkata High Court. The matter is still pending with the High Court at Calcutta for issue of final order. On 24th July, 2014 the office was moved and present in the Court before appearing of the hearing. But the matter neither was heard on that day. This office is continuous touch with the High court at Calcutta. It is yet to be listed for further hearing.</p> <p>The matter was heard by the Hon'ble Justice Arijit Banerjee on 16/12/2015, the court order as follows :</p> <p>The Court is in the process of hearing and</p>

				<p>disposing of the three writ petitions finally.</p> <p>The learned counsel appearing for the respondents in their usual fairness state that no action will be taken the writ petitioners during the pendency of the writ petitioners. On the basis of such assurance no formal order is passed.</p> <p>The matter was discussed again and again with the then Sr. Central Govt. Advocate/In-charge, Ministry of Law & Justice, Kolkata and the Govt. Counsels with a request to mention the matter to the Hon'ble High Court but it is not yet listed. This office in touch regularly.</p>
10.	W.P. No. 493(W) of 2015	M/s. Kalpena Industries Limited (known as M/s. Bavaria Pol. Pvt. Ltd. & Anr. – Vs- Union of India & Ors.	<p>Issue :</p> <p>Being aggrieved the decision against Union of India, Ministry of Commerce & Industry, Govt. of India regarding implementation of New Plastic Policy on recycling of Plastic Scrap or waste with imposition of minimum physical export criteria specifically as against Clause X of the Plastic Policy.</p>	<p>The matter was heard in the Hon'ble Justice Soumitra Pal on the day of 29th January, 2015 after briefing the case history on the basis of New Plastic Policy as well as SEZ Act & Rues, 2006 by the Govt. Counsel and it was decided to file the Affidavit in Opposition within. The matter was heard by the Hon'ble Justice Arijit Banerjee on 16/12/2015, the court order as follows :</p> <p>The Court is in the process of hearing and disposing of the three writ petitions finally.</p>

				<p>The learned Counsel appearing for the respondents in their usual fairness state that no action will be taken the writ petitioners during the pendency of the writ petitioners. On the basis of such assurance no formal order is passed.</p> <p>The matter was discussed again and again with the then Sr. Central Govt. Advocate/In-charge, Ministry of Law & Justice, Kolkata and the Govt. Counsels with a request to mention the matter to the Hon'ble High Court but it is not yet listed. This office in touch regularly.</p>
11.	W.P. No. 15502 (W) 2014	M/s. SMA Creations Private Limited and Anr –Vs- Union of India & Ors	<p>Issue :</p> <p>Being aggrieved with the decision of the Unit Approval Committee for removal of imported goods (Stones) of IMITATION Jewellery to DTA and re-export of Import Cargo the unit have filed the Writ Petition No.15502(W) of 2014 against Union of India & Ors.</p>	<p>On 10th June, 2014, the matter was heard in the Court of Hon'ble Justice Harish Tandon and it has been released sine the Writ Petition is wrongly classified under Group-IV of the classification list. Finally the court has no determination to take up this matter as per Court Order dated 10.06.2014. The matter has not yet listed in the Cause List. Always touch with the Govt. Counsel in the matter.</p>
12.	W.P. No.. 35008(W)/2013	Sahadat Hossain Sk. Vs State of WB & Ors.	<p>Rehabilitation matter</p>	<p>This office has been made an Added Respondent vide Court Order dated 3rd September, 2014. Matter was heard on 22.09.2014 and next date was fixed on 24.09.2014. Further met with the Govt. Counsel and discussed the matter with a copy of Statement of fact, and has been handed over the same. The matter was</p>

				listed for hearing on 26/9/14 but it was not heard to the Hon'ble Justice Ashoke Kumar Dasadhikari. The matter is yet to be listed further.
13.	W.P. No. 2622(W) of 2014	M/s. Ellenbarrie Exim Limited –Vs- Union of India & Ors.	<p>Issue :</p> <p>Being aggrieved the decision for rejection of Appeal in the 60th BOA Meeting held on 24th July, 2014 as the appeal of M/s. Ellenbarrie Exim Pvt. Limited a unit under Falta SEZ against the issue of Order in Original dated 25th February, 2014.</p>	On receipt of communication dated 22.1.2015(received on 27/1/15) this office has already requested to engage the govt. counsel to defend the case. The matter was yet to be listed on the date of 29 th January, 2015. It has been informed from the Ministry of law & Justice that they have already engaged the Govt. Counsel to defend the interest of Govt. Revenue. In the meantime the matter was placed to the BOA in its Meeting held on 19 th May, 2015. On the request of the appellant. BOA had deferred the appeal till next BOA Meeting. After deliberation, BOA came to the conclusion that in view of the huge rental arrears and outstanding realization to the tune of over 92 Crores against the said unit, BOA of the view that the Order dated 25.02.2014 passed by the DC was just and correct. BOA, therefore, rejected the appeal.
14.	W.P. No.1044 (W) of 2016	M/s. Ellenbarrie Exim Limited –Vs- Union of India & Ors.	<p>Issue: Being aggrieved with the BOA(65th BOA meeting held on 19.05.2015, as communicated by the MOC & I, New Delhi vide letter dated 28.09.2015 [that BOA came to conclusion that in view of the huge rental arrears and outstanding</p>	The matter was heard by the Hon'ble Justice Dipankar data on 28.01.2016 and the Court order of Kolkata High Court as follows : “ I am of the view that the Writ Petition ought to be decided on affidavits.

			<p>realizations to the tune of Rs. 92.00 Crores against the unit, BOA was of the view that the Order dated 25.02.2014 passed by the Development Commissioner was just and correct, BOA therefore, rejected the appeal.] of the decision the unit have filed the WP.</p>	<p>Let affidavit-in opposition be filed by six weeks from date (28.01.2016)' reply thereto, if any may be filed within two weeks thereafter.</p> <p>The writ petition shall be treated as ready for hearting on expiry of the period fixed above for exchange of affidavits and thereafter the parties shall be at liberty to mention if for consideration before the appropriate bench.</p> <p>The para-wise comments were already forwarded to the MOL & Advocate before drafting the A/O. Thereafter the Affidavit in opposition has been affirmed to the Hon'ble High Court at Calcutta on 18th April, 2016 as per Order dated 28/1/2016. The matter is yet to be listed.</p>
15.	W.P.No.1171 2(W) of 2016	M/s. Kalpana Industries (India) Limited & A Anr. -Vs- Union of India & Ors.	<p>Issue: As against issue of Notification being No.GSR 395(E) dated 4/4/2016 introduced as the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016</p>	<p>The Ld. Govt. Counsel Shri Somenath Bose has been engaged to defend the case and the matter was briefed to him on Conference made on 5th June, 2016. The matter was appeared before the Hon'ble Justice Joymalya Bagchi on 8th July, 2016. Upon hearing the submissions appearing on behalf of the client the Hon'ble Justice was pleased to direct to serve a copy of the W.P on the Additional Solicitor General for their submission on the next date fixed on 14th July, 2016. Finally, the mater was mentioned before the Hon'ble Justice Joymalya Bagchi on 13/7/2016 for</p>

				its withdrawal as per instruction dated July 12, 2016. Upon hearing the submissions made by the parties in the presence of ASG, the Hon'ble Justice pleased to allow the withdrawal and dismissed the Writ Petition as Withdrawn.
16.	W.P.No.9698 (W) of 2016	Pasari Silk Industries Limited and Another –Vs- Union of India & Others.	<p>Issue: Being aggrieved with the Office Order dated 27th April, 2016 in compliance of the Court Order dated 16/2/2015 passed in W.P. No.4178(W) of 2014 by the Hon'ble High Court at Calcutta as follows :</p> <p>The matter was heard in the Court of Hon'ble Justice Dipankar Data on 16/3/2016 and passed an order that "Instead of the DC, the ADC & Secretary, Falta SEZ has passed an order dated 16/2/2016 disposing of the petitioners' representation/ application referred to above, which is impugned in this writ petition. Any Order passed by an administrative authority in violation of an order of the court exercising power under Article 226 of the Constitution in a nullity. It is only on this short ground that the impugned order is liable to be and is, accordingly set aside. Accordingly it was passed that the DC shall proceed to comply with the order dated 30th September, 2015 passed by the coordinate Bench</p>	The matter is yet to be listed.

			in the manner directed therein by April, 2016 positively. The Writ Petition stands disposed of.	
17.	W.P. No.16488 (W) of 2017	M/s. Kamyab Overseas India Limited & Anr. –Vs- U.O.I. & Others	<p>Issue : Refund of Export duty paid on DTA procurement of Chrome Ore. Export Duty levied @Rs.3000/- MT as per Export Schedule of Custom Tariff Act. the plea is that export duty is not leviable as it is not export as per definition in Customs Act, 1962.</p> <p>Earlier, the case was dismissed by the Kolkata High Court in favour of the Unit and the Recalling Application filed by the Dept was also dismissed vide Order dated 24.08.2012. The Department filed a SLP before the Supreme Court bearing no. 134 of 2013. The same is PENDING. Hon'ble Court has directed to await decision in Review matter 1848 of 2010.</p> <p>Earlier, similar matter of Iron Ore was decided in favour of Zone Unit by Gujrat High Court. The same was appealed before the Supreme Court and got dismissed.</p>	<p>The Department filed Review Petition no. 1848 of 2010 which is PENDING now. As per latest update it is likely to be listed on or after 01.09.2017.</p> <p>The Affidavit in Opposition is filed on 16.08.2017</p>

CAT CASES

Sl. No.	O.A. No.	Matter relating to the Petitioner	Issue	Present status
1.	350/849/2017	Subrata Kundu -Vs- Falta SEZ	A Speaking Order was issued to Shri Subrata Kundu for cancellation of the absorption since he was absorbed in violation of Rules. Being aggrieved by the Order, the applicant had approached to the CAT for seeking the rejection/interim relief.	Vide Order dated 3.7.2017, the Hon'ble CAT stated that (a) No interim relief at this point can be granted as prayed by the applicant (b) the respondents are granted 4 weeks time to file the reply. The matter will be finally heard on 29.08.2017.