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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5757/2022
YASHPAL SINGH

..... Petitioner

Through: Mr.Kuber Giri & Ms.Palavi Sharma,
Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Chetan Sharma, Additional
Solicitor General & Mr.Apoorv
Kurup, CGSC with Ms.Nidhi Mittal,
Mr.Amit Gupta, Mr.Rishav Dubey &
Mr.Sahaj Garg, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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02.05.2022

1. While issuing notice in this petition on 07.04.2022, wherein the petitioner raises a grievance with regard to non-appointment 'Member' in the various Benches of the Settlement Commission in terms of Section 32 of the Central Excise Act, 1944, we had taken note of the fact that there are four Benches of the Customs, Central Excise and Service Tax Settlement Commission, situated at Delhi (Principal Bench), Mumbai, Kolkata, and Chennai. All these Benches were lacking Quorum from 08.12.2019 and thereafter.

2. Today, counsel for the petitioner has tendered in Court a copy of the communication dated 29.04.2022 issued by the Superintendent, Ministry of Finance, Department of Revenue, Customs, Central Excise and Service Tax

Settlement Commission addressed to Shri Ashu Chaudhary, Advocate stating that the Competent Authority has decided to appoint the Chairman and one Member in the Principal Bench at Delhi and the Vice-Chairman and one Member in the Additional Bench at Mumbai, for a period of one year. It has been proposed to review the aforesaid arrangement after a period of one year and the process to appoint the Members for the abovementioned post is being initiated.

3. Mr.Kurup, on the other hand, has tendered a communication dated 25.04.2022, stating that there are two functional Benches in the Customs, Central Excise and Service Tax Settlement Commission, namely, the Principal Bench at New Delhi and an Additional Bench at Mumbai, and that the Department is in the process of filling up the posts of Chairman and one Member in Principal Bench at Delhi and the post of Vice-Chairman and one Member in the Additional Bench at Mumbai of the said Commission.

4. However, in both the above communications, there is no whisper about the Benches in Kolkata and Chennai.

5. In the light of the aforesaid, we firstly direct that the process of appointment of Chairman and one Member for the Principal Bench at Delhi and appointment of Vice-Chairman and one Member for the Additional Bench at Mumbai be completed within six weeks. We further direct the respondents to examine the aspect of appointment of Vice-Chairman and other Members for the Benches at Chennai and Kolkata. We hope and expect the respondent/Government to act in time so that, at the end of one year, we are not faced with the same situation again, when the tenure of the new Appointees expires in terms of the decision communicated vide letter dated 29.04.2022 taken note of hereinabove.

6. Let a further status report on the aforesaid aspect be filed before the next date of hearing.
7. List on 20th July, 2022.

VIPIN SANGHI, ACJ

NAVIN CHAWLA, J

MAY 2, 2022/rv/U.