



2020-TIOL-575-HC-DEL-CUS

IN THE HIGH COURT OF DELHI

WP(C) No.2443/2020

CM No.8546/2020

NARENDRA KUMAR JAIN

Vs

JOINT COMMISSIONER CUSTOMS (PREVENTIVE) AND ANR

D N Patel, CJ & C Hari Shankar, J

Dated: March 4, 2020

Appellant Rep by: Mr Ramakant Gaur, Ms. Sneha Arya and Ms. Purna Agarwal, Advs.

Respondent Rep by: Mr Amit Bansal, Sr. Standing Counsel with Mr. Aman Rewaria and Ms. Vipasha Mishra, Advs. for R-1 Mr. Satish Aggarwala, Sr. Standing Counsel with Mr. Gagan Vaswani, Adv.

Cus - The present writ petition was filed in respect of an O-i-O passed against the assessee.

Held: Considering that the subject order is an appealable order the petition is disposed off as not pressed at this stage - The issue of cross examination of the relevant persons is not pressed at this stage, considering that the same can be raised before the appellate authority - The appellate authority concerned is to appreciate the time consumed from filing the writ petition till the date of this order, while adjudicating the application for condonation of delay: HC

Writ petition disposed of

JUDGEMENT

Per: D N Patel:

1. Learned counsel appearing for the petitioner, after canvassing some arguments, fairly conceded that the Order in Original dated 11th December, 2019 (Annexure P-1), which is under challenge, is an appealable order and hence petitioner is not pressing this petition. However, learned counsel for the petitioner requests that appellate authority may be directed to consider the time consumed from filing of this writ petition till today while adjudicating the application for condonation of delay in filing the appeal.

2. In view of this limited submission, this petition is disposed of as not pressed at this stage.

3. However, the questions of cross examination, which has been adjudicated at length, is not pressed now for the reason that the same will be pressed before the Appellate Authority. Hence, Appellate Authority will look into the aforesaid questions of cross examination and pass appropriate orders in accordance with law

4. Moreover, As and when appeal is preferred by this petitioner against Order in Original dated 11th December, 2019 (Annexure P-1) the concerned Appellate Authority shall appreciate the time consumed from filing of this writ petition till today while adjudicating the application for condonation of delay in filing the appeal.

CM No.8546/2020 (stay)

5. In view of the disposal of the writ petition, this application also stands disposed of.

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