

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C.) No.6312/2008**

% **Date of Decision: 01.09.2009**

Shri Ramesh Bhatija Petitioner
Through Mr.Ajay Majitha, Advocate

Versus

Union of India & Ors Respondents
Through Ms.Rajdipa Behura, Advocate

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J. (ORAL)

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The petitioner had filed the present petition against the order dated 3rd July, 2008 deciding the application of the petitioner seeking dispensation of the pre deposit, whereby dispensing of the pre deposit of penalty of 70% of the penalty amount was allowed and the petitioner was directed to deposit 30% of the penalty amount within 30 days of the receipt of the order.

In the writ petition by order dated 2nd September, 2008 the operation of the order dated 3rd July,2008 was stayed on petitioner depositing 5% of the penalty amount within six weeks from the said

date. The time to deposit 5% of penalty amount was further extended by order dated 5th December, 2005.

Despite the order dated 2nd September, 2008 to deposit 5% of the penalty amount, the amount has not been deposited. By order dated 15th May, 2009 it was clarified that the interim order was conditional, subject to deposit of 5% of the penalty amount within six weeks which was further extended for six weeks by order dated 5th December, 2008 and in case the order has not been complied with, the Appellate Tribunal shall be at liberty to dispose of the appeal in accordance with law.

The conditional order dated 2nd September, 2008 and 5th December, 2008 was not complied with and consequently, the Appellate Tribunal for Foreign Exchange has disposed of the appeal by order dated 14th July, 2009. Since the appeal has already been disposed of by order dated 14th July, 2009 nothing survives in the present writ petition. The writ petition is, therefore, disposed of. All the pending applications are also disposed of. The petitioner shall, however, be at liberty to challenge the order dated 14th July, 2009 dismissing the appeal of the petitioner in accordance with law.

September 01, 2009
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ANIL KUMAR, J.