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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 712/2016

NPT PAPERS PVT. LTD. THROUGH:

ITS ACCOUNTANT GIRISH BAGDI

..... Petitioner

Through: Mr. Pradeep Jain with Mr. Shubhankar
Jha, Advocates.

versus

PRINCIPAL COMMISSIONER OF CUSTOMS ICD (IMPORT)

TUGHLAKABAD, NEW DELHI & ORS.

..... Respondents

Through: Mr. Satish Kumar, Senior Standing
counsel for R-1 and R-3.

Mr. Satish Aggarwala, Advocate for DRI.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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17.02.2016

W.P.(C) 712/2016 & CM No. 3037/2016 (for stay)

1. In view of the fact that the decision of this Court in *Purushottam Jajodia v. Directorate of Revenue Intelligence 2014 (307) ELT 837 (Del)* (which is being relied upon by the Petitioner in the present case) has been stayed by the Supreme Court by order dated 11th September 2014 in SLP (C) No. 24478/2014, learned counsel for the Petitioner states that he would like to amend the petition to challenge the order passed by the Respondents

subsequent to the filing of the writ petition imposing the conditions for release of the goods.

2. However, as rightly pointed out by learned counsel for the Respondents, under Section 128 of the Customs Act, 1962 even such an order is appealable. Consequently, the Petitioner would have to file an appeal against the said order before the Commissioner (Appeals).

3. Mr. Jain states that the appeal will be filed within one week with an application for condonation of delay, if any. It is directed that in such event the period during which the present petition was pending would be taken into consideration by the Commissioner (Appeals).

4. The writ petition and the application are disposed of in the above terms.

S. MURALIDHAR, J

VIBHU BAKHRU, J

FEBRUARY 17, 2016/dn