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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 2507/2016 & CM No.10724/2016

ALCATEL-LUCENT SHANGHAI BELL CO. LTD. ..... Petitioner

Through: Mr Balbir Singh, Senior Advocate with Mr T. D. Satish, Mr Ankur Sharma, Mr Darpan Bhuyan and Mr Angad Sandhu, Advocates.

versus

THE DESIGNATED AUTHORITY & ORS. ..... Respondents

Through: Mr Ashish Dholakia and Mr Abhijit Mittal, Advocates for Respondent Nos.1 & 2.

Ms Reena Khair and Mr Rajesh Sharma, Advocates for Respondent No.3.

WITH

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W.P.(C) 2508/2016 & CM No.10726/2016

ALCATEL-LUCENT INDIA LIMITED ..... Petitioner

Through: Mr Balbir Singh, Senior Advocate with Mr T. D. Satish, Mr Ankur Sharma, Mr Darpan Bhuyan and Mr Angad Sandhu, Advocates.

versus

THE DESIGNATED AUTHORITY & ORS. ..... Respondents

Through: Mr Ashish Dholakia and Mr Abhijit Mittal, Advocates for Respondent Nos.1 & 2.

Ms Reena Khair and Mr Rajesh Sharma, Advocates for Respondent No.3.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VIBHU BAKHRU

ORDER

%   **30.05.2016**

1. Against the impugned final notification dated 5th February 2016, issued by the Central Government imposing anti-dumping duty on imports of Synchronous Digital Hierarchy Transmission Equipment originating in or exported from People's Republic of China for another period of five years, there is an alternative remedy provided under the Customs Tariff Act, 1975 of an appeal before the Customs, Excise and Service Tax Appellate Tribunal ('CESTAT').

2. Learned counsel for the Petitioner, however, states that there is a huge pendency of matters in the CESTAT and that the appeals filed against the earlier notifications, issued several years ago, are unable to be taken up. He accordingly submits that this Court should entertain the present writ petition.

3. The Court does not find the above plea to constitute a sufficient justification to permit the Petitioner to bypass the statutory remedy of an appeal provided under the Customs Tariff Act, 1975. It would be open to the Petitioner to request the CESTAT, as and when an appeal is filed, to dispose it expeditiously.

4. The petitions and the applications are dismissed with the above observations.

S.MURALIDHAR, J

VIBHU BAKHRU, J

MAY 30, 2016/MK