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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3454/2016

MEDICAL COUNCIL OF INDIA

..... Petitioner

Through Mr Vikas Singh, Senior Advocate with
Mr Manpreet Kaur, Mr Dhawal, Mr Tarun Verma
and Ms Michelie, Advocates for MCI.

versus

UNION OF INDIA & ANR

..... Respondents

Through Mr Sanjeev Uniyal, Advocate for
R1/UI.

Mr Satish Kumar, Senior Standing
Counsel for R2.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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27.04.2016

CM 14802 to 14804/2016

1. Allowed, subject to all just exceptions.

W.P.(C) 3454/2016 & CM 14801/2016

2. It is not in dispute that against the impugned adjudication order determining the service tax liability of the Petitioner, a statutory remedy of an appeal is available.

3. Mr. Vikas Singh, learned Senior counsel for the Petitioner, however, states that requirement of pre-deposit makes the said remedy onerous.

4. In the considered view of this Court, this would not be a sufficient justification for this Court to permit the Petitioner to bypass the statutory remedy available to it.

5. Mr Vikas Singh then urged that this Court should waive the pre-deposit requirement to enable the Petitioner to pursue the statutory remedy since, according to the Petitioner, the impugned order is without jurisdiction. The Court is not inclined to accede to this request.

6. The writ petition and application are dismissed. However, it is open to the Petitioner to avail the statutory remedy available to it, in accordance with law.

S.MURALIDHAR, J

VIBHU BAKHRU, J

APRIL 27, 2016

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