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

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W.P.(C) 4789/2016

KOTHARI PRODUCT LTD & ANR.

..... Petitioner

Through: Mr. Pankaj Bhatia, Mr. Dhruv Surana

Mr. Nipun Goel, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Ms. Shiva Lakshami, Advocate for R-1

Mr. Satish Kumar, Senior Standing counsel for
Respondent No.3.

Mr. S.K.Dubey and Mr. Udit Malik, Advocates for
Respondent/DRI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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23.05.2016

CM No. 19953 of 2016 (exemption)

1. Allowed subject to all just exceptions.

W.P. (C) No. 4789 of 2016 & CM No. 19952 of 2016 (stay)

2. Notice. Learned counsel for the Respondents accepts notice.

3. The only prayer in this petition is that in view of the decision of this Court dated 3rd May 2016 in W.P.(C) No. 441 of 2013 (*Mangali Impex Ltd. v. Union of India*), the impugned show cause notice ('SCN') dated 6th June

2013 issued by the Additional Director General, Directorate of Revenue Intelligence ('DRI'), Lucknow (Respondent No.2) and the consequent proceedings pending before the Commissioner of Customs (Export), Tuglakabad (Respondent No.3) should be quashed.

4. Since the adjudication is pending before the Respondent No.3, the Court does not consider it appropriate to pass any order at this stage in the present writ petition except to the extent of permitting the Petitioner to bring to the notice of the Respondent No.3 the judgment of this Court in ***Impex Ltd. v. Union of India*** (*supra*). It will be for the Respondent No.3 to take a call on whether the said decision is applicable in the facts and circumstances of the case and pass an appropriate order in that regard not later than four weeks from today.

5. The petition and the application are disposed of with the above observations.

6. A copy of this order be given *dasti* under the signature of Court Master.

S.MURALIDHAR, J

VIBHU BAKHRU, J

MAY 23, 2016
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