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IN THE HIGH COURT OF DELHI AT NEW DELHI

37.

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W.P.(C) 4569/2016

RAMA OVERSEAS THROUGH ITS PROPRIETOR Petitioner
Through Mr Umang Srivastava and Mr Piyush
Kumar, Advocates.

versus

COMMISSIONER OF CUSTOMS (IMPORT)
& ANR.

..... Respondents

Through Mr Kamal Nijhawan, Senior Standing
Counsel with Mr Sumit Gaur, Advocate for R1.
Mr Satish Aggarwala, Advocate for
R2/DRI.

WITH

38.

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W.P.(C) 4570/2016

RAKHI TEX-STYLES THROUGH ITS PROPRIETOR..... Petitioner

Through Mr Umang Srivastava and Mr Piyush
Kumar, Advocates.

versus

COMMISSIONER OF CUSTOMS
(IMPORT) & ANR.

..... Respondents

Through Mr Kamal Nijhawan, Senior Standing
Counsel with Mr Sumit Gaur, Advocate for R1.
Mr Satish Aggarwala, Advocate for
R2/DRI.

WITH

39.

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W.P.(C) 4571/2016

SHUBH INTERNATIONAL THROUGH ITS
PROPRIETOR

..... Petitioner

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Through Mr Umang Srivastava and Mr Piyush
Kumar, Advocates.

versus

COMMISSIONER OF CUSTOMS (IMPORT)
& ANR.

..... Respondents

Through Mr Kamal Nijhawan, Senior Standing
Counsel with Mr Sumit Gaur, Advocate for R1.
Mr Satish Aggarwala, Advocate for
R2/DRI.

40.

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W.P.(C) 4572/2016

SHUBH RESOURCES PVT. LTD.,
THROUGH ITS DIRECTOR

..... Petitioner

Through Mr Umang Srivastava and Mr Piyush
Kumar, Advocates.

versus

COMMISSIONER OF CUSTOMS
(IMPORT) & ANR.

..... Respondents

Through Mr Kamal Nijhawan, Senior Standing
Counsel with Mr Sumit Gaur, Advocate for R1.
Mr Satish Aggarwala, Advocate for
R2/DRI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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18.05.2016

CM 19052/2016 in W.P. (C) 4569/2016

CM 19053/2016 in W.P.(C) 4570/2016

CM 19054/2016 in W.P.(C) 4571/2016

CM 19055/2016 in W.P.(C) 4572/2016

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1. Allowed, subject to all just exceptions.
 2. The applications are disposed of.

W.P.(C) 4569/2016

2. It would be open to the Petitioner to bring to the notice of the Adjudicating Authority the judgment dated 3rd May 2016 of this Court in W.P. (C) 441/2013 (*Mangli Impex Ltd v. Union of India*) within a period of ten days from today. If that is done, the Adjudicating Authority will give a decision on the question of his jurisdiction not later than four weeks thereafter, after giving the Petitioner an opportunity of being heard.
3. The writ petitions are disposed of.



S.MURALIDHAR, J



VIBHU BAKHRU, J

MAY 18, 2016
pkv

\$~35 and 39 to 42

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

+ **W.P.(C) 4571/2016**

SHUBH INTERNATIONAL THROUGH ITS PROPRIETOR

..... Petitioner

versus

COMMISSIONER OF CUSTOMS (IMPORT) & ANR.

..... Respondents

+ **W.P.(C) 4569/2016**

RAMA OVERSEAS THROUGH ITS PROPRIETOR Petitioner

versus

COMMISSIONER OF CUSTOMS (IMPORT) & ANR.

.... Respondents

+ **W.P.(C) 4570/2016**

RAKHI TEX-STYLES THROUGH ITS PROPRIETOR ...Petitioner

versus

COMMISSIONER OF CUSTOMS (IMPORT) & ANR.

.....Respondents

+ **W.P.(C) 4572/2016**

SHUBH RESOURCES PVT. LTD., THROUGH ITS DIRECTOR

..... Petitioner

versus

COMMISSIONER OF CUSTOMS (IMPORT) & ANR.

..... Respondents

+ **W.P.(C) 5582/2016**

KRISHNA INTERNATIONAL

..... Petitioner

versus

THE ADDITIONAL DIRECTOR GENERAL DIRECTORATE OF
REVENUE INTELLIGENCE

..... Respondent

Present: Mr.Umang Srivastava and Mr.Amrit Raj, Advocates for
the petitioners in item nos.35 and 39 to 41.
Mr.Satish Aggarwala, Advocate for the applicants in all
the matters.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

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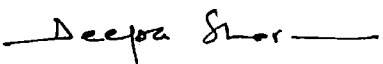
ORDER
22.08.2016

C.M.30069/2016 in W.P.(C) 4571/2016,
C.M.30429/2016 in W.P.(C) 4569/2016,
C.M.30427/2016 in W.P.(C) 4570/2016
C.M.30430/2016 in W.P.(C) 4572/2016 &
C.M.30428/2016 in W.P.(C) 5582/2016

The applicant seeks vacation of the orders of this court whereby following the decision in *Mangli Impex Limited vs. Union of India* (W.P.(C)441/2013 dated 03.05.2016) the court had directed the adjudicating authority to consider the petitioners contentions vis-a-vis applicability of the principles embodied in the said judgment and whether show cause notice concerned was issued by the proper officer. The revenue – which has moved the applications contends that judgment of this court has been stayed in a Special Leave Petition. We are of the opinion that the pendency of the Special Leave Petition should not in any manner affect the directions given in these matters and the concerned adjudicating authority should consider the objections, if any, on the same issue as well as other contentions of the parties.

The applications are accordingly disposed of in the above terms.


S. RAVINDRA BHAT, J


DEEPA SHARMA, J

AUGUST 22, 2016

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