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

+ **W.P.(C) 5066/2015**

AMIT ARORA

..... Petitioner

Through: **Mr.Manish Kaushik, Advocate**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr.Anurag Ahluwalia, CGSC for
UOI with Ms.Srishti Banerjee and
Mr.Mayank Mishra, Advocates**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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08.09.2016

The petitioner raises a question on notice of pending proceedings before the Commissioner of Customs on several grounds – the principle there being that the proper officer is a Joint Commissioner in terms of the cadre reorganisation notification. It is highlighted that the officials of the DRI are empowered to examine and adjudicate upon such disputes. The respondents' contention on the other hand is that the basic pre-existing notification empowering Additional Commissioner or Joint Commissioner to adjudicate upon the issues (dated 31.05.2011) prevails. After hearing of the counsel, we are of the opinion that this issue should be appropriately addressed by the concerned adjudicating authority. At this stage, the court does not wish to pronounce upon the correctness of the submissions having regard to the fact that prima facie there is authority in the form of the

notification of 31.05.2011.

The writ petition is therefore dismissed. However, it is open to the petitioner to urge all contentions including the issue of jurisdiction in which the rights and contentions of both the parties are reserved.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 08, 2016

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