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

\+ W.P.(C) 8721/2016 & CM No.35772/2016 (stay)

SDA (C-5) RESIDENTS WELFARE ASSOCIATION ..... Petitioner

Through Mr. Anil Kaushik with Mr. Rajinder Singh and Mr. Abhishek Mishra, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS ..... Respondents

Through Mr. Anupam Srivastava, ASC for GNCTD and Ms. Niharika, Ms. Sharmistha Ghosh, Advocates for respondent Nos.1 and 2 with Mr. Raj Kumar, Excise Inspector.
Mr. Sachin Chopra with Mr. Shubhnit Hans, Advocates for respondent No.3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

% **04.10.2016**

The petitioner has filed the present petition seeking copies of documents on the file of the Excise Commissioner and a right to be heard. It is contended that the entire proceedings, in which action was taken against the respondent No. 3, had commenced on the complaint of the petitioner.

Learned counsel appearing for the respondent No.3 submits that even though the petitioner is not entitled to either copies of documents or any right to be heard before the Excise Commissioner, however, without prejudice to his rights and contentions, he will supply copies of all documents that have been filed by the respondent No.3 before the Excise

Commissioner along with the appeal.

Learned counsel appearing for the respondent Nos.1 and 2 submits that the petitioner has also filed an application for intervention, which is pending consideration before the Excise Commissioner and he has always permitted the petitioner to appear and make submissions and there is no such hindrance being caused to the petitioner appearing and making submissions in the appeal filed by the respondent No.3.

Let copies of the appeal as well as enclosed documents filed by the respondent No.3, be furnished to the petitioner by tomorrow i.e. 05.10.2016.

The parties shall appear before the Excise Commissioner on Thursday i.e. 06.10.2016 at 2:15 pm. The Excise Commissioner shall dispose of the proceedings within a period of two weeks thereafter. The Excise Commissioner shall decide the appeal, pending before him, in accordance with law and without being influenced by anything stated in the writ petition as also the present order.

The writ petition is, accordingly, disposed of in the above terms.

Needless to state that the parties shall be at liberty to take such remedies as may be available in law, in case, they are aggrieved by any order passed by the Excise Commissioner.

Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 04, 2016
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