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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 346/2017 & CM 1567/2017

KISHORE RATILAL DHAKAN & ORS.

..... Petitioner

Through: Mr Purwish J. Malkan, Mr Utkarsh
Tiwari, Ms Deepa Gorasia and Ms Dharita P.
Malkan, Advocates

versus

**UNION OF INDIA MINISTRY OF FINANCE THROUGH: ITS
SECRETARY & ORS.**

..... Respondent

Through: Mr Aditya Singh, Sr. Standing Counsel
for R2
Mr Sanjeev Narula, Sr. Standing Counsel for
Customs

**CORAM: JUSTICE S.MURALIDHAR
JUSTICE CHANDER SHEKHAR**

ORDER

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24.04.2017

1. The whole basis of the present writ petition challenging the validity of Section 28(11) of the Customs Act, 1962 is the judgment of this Court in ***Mangali Impex Ltd. & Ors. vs. Union of India 2016 (335) ELT 605 (Del).***

2. The above judgment has been stayed by the Supreme Court vide order dated 1st August, 2016. Instructions have been issued by the Central Board of Excise & Customs on 3rd January, 2017 clarifying that the adjudication proceedings can continue notwithstanding the pendency of the said Special Leave Petition.

3. In the circumstances, the Court disposes of the present writ petition with the direction that the order that may be passed by the Adjudicating Authority will be subject to the decision of the Supreme Court in the aforesaid Special Leave Petition.

4. The pending CM 1567/2017 is also disposed of.

S.MURALIDHAR, J

CHANDER SHEKHAR, J

APRIL 24, 2017
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