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

+ CM No.803/2017 in C.R.P. 121/2016

N K M TRADING CO Petitioner
Through Mr.Sanjeev Bhandari, Advocate
versus
M/S SHADAB ELYAS CO LTD & ANR..... Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **09.01.2017**

By the present application the petitioner seeks to place on record the letters and/or communications dated 26.8.2016 and 29.9.2016 alongwith copy of the Preferential Trade Agreement between the Republic of India and the Transitional Islamic State of Afganistan. These documents are stated to have been obtained under RTI. Reliance is placed on Article 13 of the Preferential Trade Agreement which provides for settlement of disputes between commercial entities of the contracting parties. He further submits that as per the communication dated 28.8.2016 and 29.9.2016 received from the Ministry of Commerce and Industry, they have said that Indo-Afganistan preferential Trade Agreement is in force and is applicable between India and Afganistan businessman. He submits that hence these documents show that Preferential Trade Agreement is notified and applicable. The impugned order has, however, recorded that there is nothing on record to show that the said agreement has been notified and hence is binding law.

As the petitioner has now got the said documents the petitioner is

permitted to move an application for review/recall of the order dated 3.5.2016. If such an application is filed, the same may be dealt with as per law. Granting leave and liberty as above, the present petition is disposed of. All pending applications, if any, also stand disposed of.

Date of 5.5.2017 already fixed stands cancelled.

Dasti.

JAYANT NATH, J

JANUARY 09, 2017

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