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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3275/2017

MANOJ KUMAR

..... Petitioner

Through: Mr. Pradeep Jain and Mr. Shubhankar
Jha, Advocates.

versus

ADDITIONAL COMMISSIONER OF CUSTOMS Respondent

Trough: Mr. Sanjeev Narula, Advocate

CORAM: JUSTICE S. MURALIDHAR

JUSTICE NAJMI WAZIRI

ORDER

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17.04.2017

CM No. 14267/2017 (for exemption)

1. Allowed, subject to all just exceptions.

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2. Notice. Mr. Sanjeev Narula, Advocate accepts notice for the Respondent.

3. It is pointed out by learned counsel for the Petitioner that the Commissioner of Customs (Appeals) failed to notice that the Petitioner had in fact made pre-deposit @ 7.5% and the challan was also filed which was not taken note of. Indeed, it is seen that the copy of the challan is Annexure A-3 and that has not been taken note of by the Commissioner of Customs (Appeals) while passing order in appeal dated 1st March 2017.

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4. In that view of the matter, the order in appeal dated 1st March 2017 is set aside and the appeal is restored to the file of the Commissioner of Customs (Appeals) for hearing on merits.

5. Consequently, the order dated 1st March 2017 of the CESTAT also stands set aside. The appeal of the Petitioner be listed for hearing before the Commissioner of Customs (Appeals) on 18th May 2017 at 4 pm.

6. The petition is disposed of in the above terms.

7. Order *dasti*.

S. MURALIDHAR, J

NAJMI WAZIRI, J

APRIL 17, 2017

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