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

+ W.P.(C) 5827/2017

ANVIKA METAL INDUSTRIES

..... Petitioner

Through Dr. Seema Jain with Mr. Ajay K. Jain,
Mr. Dushyant K. Mahant and Mr. Vimlesh Kumar,
Advocates.

versus

COMMISSIONER, CENTRAL EXCISE,
DELHI -1

..... Respondent

Through Mr. Sanjeev Narula, Senior Standing
counsel for Revenue with Mr. Abhihek Ghai,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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24.10.2017

Learned counsel for the respondent states that the counter affidavit is ready and copy of the same has been furnished to the counsel for the petitioner.

Counsel for the petitioner seeks permission to withdraw the present writ petition and states that she would prefer an appeal against the impugned order as per the statutory remedy provided under the Central Excise Act, 1944. In view of the statement made, the writ petition is dismissed as withdrawn with liberty to file an appeal. We also clarify that we have not expressed any opinion on merits. If required and necessary, the petitioner may file an application seeking condonation of delay and the Authorities while examining the said application would give due regard to the fact that

the petitioner had bona fidely filed the present writ petition before the High Court on which notice was issued on 14th July, 2017.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

OCTOBER 24, 2017
MR/pk