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

+ **CUSAA 46/2017**

THE COMMISSIONER OF CUSTOMS (IMPORT) Appellant
Through: Mr.Deepak Anand, Advocate.

Versus

FREEENIUS MEDICAL CARE INDIA PVT LTD, Respondent
Through:

**CORAM: JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH**

% **ORDER**
09.08.2017

C.M.No.28462/2017(Exemptions)

1. Allowed subject to all just exceptions.

CUSAA No.46/2017 & C.M.No.28461/2017 (stay)

2. The issue raised by the appellant in this appeal is one regarding classification of the goods in question. An appeal, therefore, will lie to the Supreme Court against the impugned order of the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) under Section 130E of the Customs Act, 1962.

3. In that view of the matter, the appeal and the application are dismissed leaving it open to the Appellant to seek appropriate remedies in accordance with law.

S.MURALIDHAR, J

PRATHIBA M. SINGH, J

AUGUST 09, 2017/‘*anb*’