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

+ W.P.(C) 9306/2017

SAURABH CHOUDHARY PROPRIETOR M/S ADD MART.COM

..... Petitioner

Through Ms. Vidushi Subham, Advocate.

versus

ADDITIONAL DIRECTOR GENERAL, DIRECTORATE

GENERAL OF REVENUE INTELLIGENCE Respondent

Through Mr. Vinod Diwakar, Sr. Standing
Counsel & Mr. Sanjay Pal, Advocate for DRI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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25.10.2017

Counsel for the respondent, who appears on advance notice, states that the summons issued to the petitioner for appearance on 26th October, 2017 has been withdrawn/cancelled. He states that fresh summons would be issued, if required and necessary.

2. Learned counsel for the petitioner submits that on the last occasion, when the petitioner had appeared pursuant to summons on 15th and 19th September, 2017, the presence of the counsel/Advocate was not permitted though the petitioner had placed reliance upon the decision of the Supreme Court in *Vijay Sajani versus Union of India*, 2017 (345) ELT 323 (SC) and *Abhishek Agrawalla versus Commissioner of Customs* 2016 (341)

ELT 43 (Delhi).

3. Copy of the said judgments have been given to the counsel appearing for the respondents, who states that the respondents would examine the said judgments and would proceed in accordance with law.

4. In view of the aforesaid position, we dispose off the writ petition accepting the statement of the Respondents. .

5. We also grant liberty to the petitioner to approach this Court in case fresh summons are issued and the petitioner apprehends that the law as understood by the petitioner would not be complied with by the respondents.

Copy of this order will be given dasti to the learned counsel for the parties under signature of the Court Master.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

**OCTOBER 25, 2017
VKR**