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

+ **W.P.(C) 11363/2015**

AIRPORTS AUTHORITY OF INDIA

..... Petitioner

Through: None.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Gaurav Sarin and Ms. Abha
Malhotra, Advocates for R-1.

Mr. Harpreet Singh, Senior Standing
Counsel with Ms. Namrata Bharti,
Advocate for R-2 & R-3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE PRATHIBA M. SINGH

ORDER

% **04.09.2017**

1. Although counsel for the Petitioner was present in the first call, no one appeared for the Petitioner on the second call.

2. A preliminary objection raised by learned counsel for the Respondent was regarding the maintainability of the present writ petition, which challenges the final order dated 6th January, 2015 of the Custom Excise and Service Tax Appellate Tribunal ('CESTAT'). It is pointed out that the issue involved is one of classification. Consequently, the remedy of a statutory appeal is available to the Petitioner.

3. There is merit in the above preliminary objection. Accordingly, the present writ petition is not entertained. It will be open to the Petitioner to

seek appropriate legal remedies *qua* the impugned order of the CESTAT in accordance with law.

4. The writ petition is dismissed with the above observations.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

SEPTEMBER 04, 2017

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