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

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ASHOK GUPTA

CUSTOM A. 1/2018

..... Appellant

Through: Ms Kiran Bhardwaj and Mr
Shailendra Sharma, Advocates.

versus

COMMISSIONER OF CUSTOMS
(IMPORT & GENERAL)

..... Respondents

Through: Ms K.E. Sema, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE CHANDER SHEKHAR

ORDER

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05.04.2019

CM 16082/2019 (exemption)

1. Allowed, subject to all just exceptions.

**Review Petition 144/2019 (review of order dated 24th April, 2018) &
CMs 16081/2019 (stay), 16083/2019 (delay)**

2. There is a delay of 287 days in filing the review petition. The explanation given is that against the order dated 24th April, 2018 of this Court, against which a review has been sought, the Review Petitioner had filed Special Leave Petition (Civil) No.23938/2018, which was dismissed by the Supreme Court on 24th September, 2018. The order passed by the Supreme Court reads as under:

“Learned senior counsel appearing for the petitioners seeks leave to withdraw these special leave petitions.

Permission granted.

The Special Leave petitions are dismissed as withdrawn.”

3. It is seen that the SLP was dismissed as withdrawn without liberty being granted to the Review Petitioner to file any further petition.

4. Be that as it may, with the said order having been passed on 24th September 2018 itself, there was no justification for the Review Petitioner to have waited to file the present review petition only on 7th March, 2019. Consequently, the Court is not satisfied with the explanation given for the delay in filing the review petition.

5. Nevertheless, the review petition has also been considered on merits. The Court finds no ground to review the order dated 24th April, 2018.

6. The review petition and the applications are accordingly dismissed.

S. MURALIDHAR, J.

CHANDER SHEKHAR, J.

APRIL 05, 2019

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