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

+ W.P.(C) 13106/2018

LALIT KUMAR

..... Petitioner

Through: Mr. P.S. Rana, Advocate.

versus

COMMISSIONER OF CUSTOM (IMPORT)

..... Respondent

Through: Ms. K. Enatoli Sema, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.12.2018

Issue notice.

Ms. K.Enatoli Sema, Advocate accepts notice on behalf of the respondent.

This petition claims a direction to set aside the order-in-original dated 30.03.2018. The petitioner's contention is that he was unaware of the proceedings and was not served with the show cause notice because he was imprisoned at that time. The reply to the queries under the RTI Act discloses that the petitioner was aware of the proceeding and even his family members had sought for the service of show cause notice in jail. Having regard to the conspectus of facts, the Court is not inclined to entertain the petition. In case, the petitioner approaches the CESTAT, the appeal would be considered on merits provided he files it within four weeks from today. Furthermore, in the event of any request for waiver of pre-deposit, the CESTAT should take into

consideration the petitioner's financial circumstances and give appropriate reliefs in that regard. It is contended that he has no means to comply with the mandate of pre-deposit (which works out to about ₹12 lakhs in this case given that the liability fixed was ₹1.5 crores).

The writ petition is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

DECEMBER 05, 2018/akv