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

+ LPA 682/2017 & CM Nos.37977-78/2017

ASHOK KRIPLANI Appellant

Through: Appellant in person

versus

ASSTT DIRECTOR B K SINGH Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **08.08.2018**

The impugned order refuses to entertain the writ petition, in view of the alternative statutory remedy by way of an appeal before the Special Director.

Appellant, who appears in person, submits that the adjudicating authority could not have imposed penalty on the appellant, without holding an inquiry in terms of Section 16(3) of Foreign Exchange Management Act, 1999.

The aforesaid contention relates to the procedure adopted by the adjudicating authority. Whether the procedure was correct or not, can be examined and decided in appeal. We do not think any special or exceptional case has been made out to entertain the writ petition, bypassing the statutory right to appeal, which is the efficacious remedy.

At this stage, the appellant, who appears in person, states that he would file an appeal, but the same would be barred by time. It is stated that the appellant had bonafidely invoked the writ jurisdiction and time may be extended.

In case the appellant files an appeal within a period of one month from today, the period spent from the date of filing of the writ petition till the appeal is preferred, would be excluded for the purpose of limitation.

We also clarify that we have not made observations on merits. The appellate authority will examine all issues and contentions, without being influenced by observations made in this order.

Present appeal is disposed of. All the pending applications are also disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

AUGUST 08, 2018
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