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

+ **W.P.(C) 10786/2017**

HIM LOGISTICS PVT.LTD

..... Petitioner

Through Mr. Priyadarshi Manish and Ms. Anjali J.
Manish, Advocates.

versus

**THE COMMISSIONER OF CUSTOMS(EXPORT) ICD,
TUGHLAKABAD, NEW DELHI**

..... Respondent

Through Mr. Harpreet Singh, Sr. Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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05.01.2018

Counsel for the respondents states that he has received instructions by e-mail stating that the goods in question were not prohibited goods. Counsel for the respondents further states that in view of the aforesaid position, the order dated 29th August, 2017 imposing penalty of Rs. 1 crore under Section 112(a) of the Customs Act, 1962 against the petitioner-Him Logistics Private Limited may be treated as cancelled and a fresh order would be passed against the petitioner on the question of penalty. It is submitted that the respondents are not admitting any other averment made in the writ petition. Further, this statement would not affect the order-in-original passed against other noticees.

We take the statement made by the counsel for the respondents on

record and the order-in-original dated 29th August, 2017 against the petitioner imposing penalty under Section 112(a) of the Customs Act, 1962 would be treated as null and void/cancelled. Fresh order would be passed by the adjudicating authority, namely, Commissioner (Exports) without being influenced by the earlier order. The entire issue of penalty and the section/provision applicable would be examined afresh.

To cut short delay, the authorised representative of the petitioner would appear before the Commissioner (Exports) on 29th January, 2018 at 2.00 P.M.

The writ petition is disposed of, without any order as to costs.

Dasti under signature of the Court Master.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 05, 2018
MR/VKR