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

+ CUSAA 82/2019

COMMISSIONER OF CUSTOMS

..... Appellant

Through Mr. Harpreet Singh, Sr. Standing
Counsel with Ms. Suhani Malhotra,
Advocate.

versus

SH. DEEPAK AGGARWAL

..... Respondent

Through Mr. Dushyant K. Mahant, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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16.10.2019

CM APPL. 45541/2019 (by the respondent for directions)

1. The present application has been filed by the respondent stating *inter alia* that when this appeal was listed in Court on 27.08.2019, the respondent had consented that the matter be remanded back to CESTAT but it appears that due to a large batch of matters listed on the said date, the submission made had escaped the attention of the Court and the appeal has been directed to be listed for hearing on 05.11.2019.

2. Issue notice.

3. Learned counsel for the appellant accepts notice and confirms the submissions made by the other side. Both the parties state that the present appeal be allowed in terms of the orders dated 27.08.2019, passed in the batch of appeals filed by the appellant including CUSAA 31/2019 entitled

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Commissioner of Customs Vs. Himanshu Gupta and other connected matters.

4. Accordingly, with the consent of the parties, the impugned order dated 08.06.2017, passed by the CESTAT is quashed and set aside and Custom Appeal No. 60/2009 is restored to its original position for the CESTAT to dispose of the same afresh uninfluenced by the decision in the case of Mangli Impex Vs. Union of India reported as **2016 (335) ELT 605 (Del.)**. Before proceeding to decide the captioned appeal, the CESTAT shall ensure service of notice upon the respondent.

5. The present appeal is disposed of alongwith the pending applications on above terms. The date already fixed, i.e. 05.11.2019, stands cancelled.

HIMA KOHLI, J

ASHA MENON, J

OCTOBER 16, 2019/MK