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

+ **W.P.(C) 2073/2018 & CM APPL. 8599/2018**

RECKITT BENCKISER INDIA
(PRIVATE LIMITED)

..... Petitioner

Through Mr R. Jawahar Lal, Mr Siddharth
Bawan, Mr Shyamal Anand, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Vinod Diwakar, CGSC with
Ms Radhika Roy, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.02.2019**

1. The learned counsel appearing for the respondent states that she has instructions that the recovery notice dated 28.12.2017, which is impugned in the present petition, be treated as withdrawn to await the decision of the Supreme Court in *M/s Cummins Technologies India Pvt. Ltd. v. Union of India and Ors. : SLP (C) No. 28830/2017*. She submits that the principal question - whether the SFIS Scheme is applicable to Indian companies selling their services under foreign brands - is a subject matter for consideration before the Supreme Court, in the aforesaid petition.

2. Apart from the aforesaid question, the petitioner has also raised other issues to assail the impugned order as the same has been passed beyond the period as specified under Section 16 of the Foreign Trade

(Development and Regulation) Act, 1992. However, in view of the submission that the respondents are withdrawing the impugned notice dated 28.12.2017, this Court does not consider it necessary to address the said issue. Accordingly, the petition is disposed of.

3. It is clarified that the withdrawal of the impugned notice is without prejudice to all the rights and contentions of the parties. It is also made expressly clear that this Court has not expressed any opinion on whether the respondents have any such right to issue the recovery notices.

4. Since the recovery notice is withdrawn, the present petition does not survive and is disposed of, with liberty to the petitioner to revive the same if the cause so arises.

5. The pending application also stands disposed of.

VIBHU BAKHRU, J

FEBRUARY 13, 2019

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