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

Date of decision: 4th March, 2020

+ W.P.(C) 2443/2020 and CM No.8546/2020

NARENDRA KUMAR JAIN

..... Petitioner

Through: Mr. Ramakant Gaur, Ms. Sneha Arya
and Ms. Perna Agarwal, Advs.

versus

JOINT COMMISSIONER, CUSTOMS (PREVENTIVE) AND ANR.

..... Respondents

Through: Mr. Amit Bansal, Sr. Standing
Counsel with Mr. Aman Rewaria and
Ms. Vipasha Mishra, Advs. for R-1
Mr. Satish Aggarwala, Sr. Standing Counsel with
Mr. Gagan Vaswani, Adv. for R-2/DRI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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04.03.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 2443/2020

1. Learned counsel appearing for the petitioner, after canvassing some arguments, fairly conceded that the Order in Original dated 11th December, 2019 (Annexure P-1), which is under challenge, is an appealable order and hence petitioner is not pressing this petition. However, learned counsel for the petitioner requests that appellate authority may be directed to consider

the time consumed from filing of this writ petition till today while adjudicating the application for condonation of delay in filing the appeal.

2. In view of this limited submission, this petition is disposed of as not pressed at this stage.

3. However, the questions of cross examination, which has been adjudicated at length, is not pressed now for the reason that the same will be pressed before the Appellate Authority. Hence, Appellate Authority will look into the aforesaid questions of cross examination and pass appropriate orders in accordance with law

4. Moreover, As and when appeal is preferred by this petitioner against Order in Original dated 11th December, 2019 (Annexure P-1) the concerned Appellate Authority shall appreciate the time consumed from filing of this writ petition till today while adjudicating the application for condonation of delay in filing the appeal.

CM No.8546/2020 (stay)

5. In view of the disposal of the writ petition, this application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

MARCH 04, 2020/kr