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

+ W.P.(C) 3858/2020 & C.M. No.13807/2020

SURESH SAINI

..... Petitioner

Through: Mr. Priyadarshi Manish, Advocate.

versus

THE COMMISSIONER OF CUSTOMS (AIRPORT AND
GENERAL)

..... Respondent

Through: Mr. Amit Bansal, Sr. Standing
Counsel with Ms. Vipasha Mishra,
Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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01.07.2020

HEARD THROUGH VIDEO CONFERENCING

1 The petitioner has filed the present petition praying *inter alia* for setting aside an Order-in-Original dated 06.02.2020 passed by the respondent/Commissioner of Customs, imposing a penalty of Rs.50,000/- on him and directing him to surrender his 'F' card under Regulation 18 of the Custom Broker Licensing Regulations.

2 At the outset, Mr. Amit Bansal, learned Senior Standing Counsel for the respondent opposes the present petition on the ground of maintainability and submits that petitioner has failed to exhaust the remedy of preferring an appeal against the impugned order as provided under Regulation 19 of the Regulations.

3. On being confronted with the aforesaid position and the specific averments made by the petitioner in Ground (HH) of the writ petition, wherein it has been stated that the petitioner has no other efficacious remedy available except to file the present petition, Mr. Manish, learned counsel for the petitioner concedes that his client has not approached the Appellate Tribunal and preferred an appeal. Instead, the petitioner has directly approached this Court for relief under Article 226 of the Constitution of India. He tenders an apology for the misstatement made in Ground (HH) of the writ petition and seeks leave to withdraw the present petition while reserving the right of the petitioner to prefer an appeal against the impugned order before the Appellate Tribunal.

4. While cautioning learned counsel for the petitioner to be more careful in future, the present petition is dismissed as withdrawn alongwith the pending application with liberty granted to the petitioner to file an appeal against the impugned order before the Appellate Tribunal.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 01, 2020
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