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

+ **W.P.(C) 5526/2020**

PANKAJ JAIN

.....Petitioner

Through: Mr. Ramakant Gaur, Advocate.

versus

**ADDITIONAL COMMISSIONER OF CUSTOMS, ICD,
PATPARGANJ**

.....Respondent

Through: Mr. Amit Bansal, Senior 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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21.08.2020

HEARD THROUGH VIDEO CONFERENCING.

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the communication dated 08.08.2019, passed by the Adjudicating Authority, declining his request for permission to cross-examine 36 witnesses, including the Panch witness, while permitting the petitioner to specify the names of those persons, who he proposes to cross-examine with specific reasons, which request could then be considered. The petitioner also seeks to assail the order dated 24.02.2020 whereunder, yet again, his request to cross-examine the witnesses of the Department was declined on the same grounds as mentioned in the communication dated 08.08.2019.

2. Mr. Ramakant Gaur, learned counsel for the petitioner fairly states that instead of pressing the present petition, he may be permitted to withdraw the same, while reserving the right of the petitioner to take the pleas as taken in the present petition in the event the Adjudicating Authority, while passing the final
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order, relies on the said witnesses to substantiate the reasons given in the said order. This will then be a ground available to the petitioner to assail the said order before the Appellate Authority.

3. Leave as prayed for is granted. The present petition is disposed of as not pressed.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

AUGUST 21, 2020/kk