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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 28.02.2024

+ **W.P.(C) 2984/2024, CM APPL. 12243/2024 & CM APPL. 12244/2024**

VIDEOJET TECHNOLOGIES INDIA PRIVATE LIMITED

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner Mr. Rohan Shah, Mr. Kumar Visalaksh, Mr. Udit Jain, Mr. Saurabh Dugar and Ms. Adhya M., Advocates.

For the Respondents: Mr. Farman Ali, SPC with Ms. Usha Jamnal and Ms. Payal Swaarup, Advocates for R-1 & 2.
Mr. Harpreet Singh, Sr. Standing Counsel with Ms. Suhani Mathur and Mr. Jatin Kumar Gaur, Advocates for R-3.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner inter-alia seeks a clarification that the petitioner's goods are excluded from the scope of the product under consideration in the notification no. 15/2023-customs (ADD) dated 22.12.2023. Learned counsel for the petitioner submits that the product in issue for the antidumping investigation was completely distinct from the



product imported by the petitioner.

2. He further submits that the petitioner was never put to notice at the time of the investigation and as such had no representation.

3. Learned counsel for the respondent appearing for the domestic industry submits that he has not been made a party to the subject proceedings even though the final findings were rendered on the request of the domestic industry.

4. Learned counsel appearing for respondent no.1 and 2 object to the maintainability of the present petition and submits that the remedy of the petitioner if any, is before the Tribunal under Section 9 C of the Custom Tariff Act 1975.

5. Learned counsel for the petitioner submits that at this stage petitioner is primarily seeking consideration of its representation given to the Ministry of Finance dated 02.02.2024.

6. Learned counsel appearing for respondent no.1 and 2 submits that the respondent no. 2 has received 20 such representations and without prejudice submits that the representation submitted by the petitioner shall be considered by the competent authority in accordance with law and decision taken there on within a maximum period of 8 weeks from today.

7. In view of the above, this petition is disposed and Respondent



nos. 1 and 2 to are directed to consider the representation of the petitioner in accordance with law without being influenced by anything stated in this order.

8. Learned counsel for the petitioner submits that there are several imports in the pipeline and petitioner shall be approaching the customs authorities for appropriate provisional release of the said consignments that imports are in the pipeline. It would be open to the custom authorities and the respective Commissioners to consider the request of the petitioner at the appropriate stage in accordance with law.

9. It is further clarified that it would be open to the petitioner to avail of such further remedies as may be permissible in law in case aggrieved by any decision taken by the respondents.

10. It is clarified that this Court has neither considered nor commented on the objection raised by the respondent with regard to the maintainability of the present petition. All rights and contentions of parties are reserved.

SANJEEV SACHDEVA, J

RAVINDER DUDEJA, J

FEBRUARY 28, 2024/ss