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

+ **W.P.(C) 5883/2024 & CM APPL. 24280-82/2024**

HEMENDRA RAI

..... Petitioner

Through: Mr. Prem Ranjan Kumar, Mr.
Chinmaya Seth and Mr. A.K. Seth,
Advocates

versus

**ADDITIONAL COMMISSIONER OF CUSTOMS,
IMPORT, INLAND CONTAINER DEPOT**

..... Respondent

Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur, Mr. Jatin Kumar Gaur
and Ms. Pritika Nagpal, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

26.04.2024

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1. Petitioner is aggrieved by a Corrigendum dated 27.12.2023 whereby the Order in Original dated 19.12.2023 has been amended in so far as the petitioner is concerned.

2. Learned counsel for the petitioner submits that by Order in Original dated 19.12.2023, it was held that petitioner is not liable for any penal action under Section 112 (2) of the Customs Act, 1962 and penalty was imposed only under Section 114-AA of the Act. He submits that by Corrigendum dated 27.12.2023, it has been held that petitioner is liable for penal action under Section 112 (2) of the Act besides being liable for penalty under Section 114-AA of the Act and

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higher penalty has now been imposed on the petitioner. Learned counsel submits that there is no power of review vested in the Adjudicating Authority to review its order.

3. Learned counsel for the petitioner submits that petitioner also intends to challenge the merits of the Order in Original whereby petitioner has been held liable for penalty under Section 114-AA of the Customs Act.

4. We notice that there is no challenge raised to the order in Original dated 19.12.2023 before us.

5. In view of the above, learned counsel for the petitioner seeks leave to withdraw the petition reserving the right of the petitioner to impugn corrigendum dated 27.12.2023 as also the Order in Original dated 19.12.2023 by way of an appeal.

6. In view of the above, petition is dismissed as withdrawn. All rights and contentions of the parties are reserved.

SANJEEV SACHDEVA, J

RAVINDER DUDEJA, J

APRIL 26, 2024

‘rs’

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