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

+ **W.P.(C) 14581/2024**

ARPIT MISHRA

.....Petitioner

Through: Mr. Abhimanyu Bhandari, Sr. Adv.
with Mr. Faraz Anees, Mr. Kartik
Vashisht and Mr. Shivendu Sharma,
Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Madhav Krishna Dubey, Sr.
Panel Counsel for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

18.10.2024

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CM APPL. 61197/2024

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying as under:

“a. Allow the writ petition under articles 226 /227 of the Constitution of India, to issue Writ in the form of Certiorari or any other Writ/Direction/Order for setting aside/quashing of Order-in-Original No. 30/Vs/ ADC/ ACE/2024 dated 10.06.2024 or in alternate seeking exemption/waiver from payment of pre-deposit of 7.5% under section 129E of the Customs Act, 1962 for filing



statutory appeal before Commissioner of Customs (Appeals), New Customs House, IGI, New Delhi - 110037.”

4. The petitioner is essentially aggrieved by the imposition of penalty of an amount of ₹2,50,00,000/-. The petitioner’s case is that the said penalty is exorbitant as the petitioner was merely a courier and was paid only ₹8,000/- for carrying auto-parts and goods in which gold was concealed.
5. Concededly, the petitioner has a remedy of a statutory appeal.
6. Given these circumstances, we do not consider it apposite to entertain the present petition.
7. The petition is accordingly dismissed. However, we clarify that if the petitioner files an appeal within a period of two weeks from date, the same shall be considered uninfluenced by the question of delay.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 18, 2024

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Click here to check corrigendum, if any