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

+ **W.P.(C) 13016/2018 & CM APPL. 50526/2018**

RAJESH AGGARWAL

..... Petitioner

Through: Mr. Kritarth Kathuria and Mr. Rakesh
Nautiyal, Advocates.

versus

DIRECTORATE OF ENFORCEMENT AND ANR. Respondents

Through: Mr. Anurag Ahluwalia, CGSC for
R-1 & 2.

Mr. Anil Soni, CGSC with
Mr. Devvrat Yadav, Advocate for
UOI.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

16.02.2024

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1. The present petition is filed under Article 226 of the Constitution for setting aside the order dated 12.10.2018 passed by the Special Director, (Adjudicating Authority), M.T.N.L Building, 2nd Floor, J. L. Nehru Marg, Near Civic Centre, New Delhi-110002 whereby the application of the petitioner for cross examination of the witnesses and supply of the documents was declined.
2. Mr. Anurag Ahluwalia, Central Government Standing Counsel for the respondents no. 1 and 2, stated that the present petition is barred under section 19 of the Foreign Exchange Management Act, 1999 (FEMA), and the appropriate remedy is to file an appeal before the Appellate Tribunal as per section 19 of the FEMA.



3. The counsel for the petitioner also stated that the appropriate remedy is to file an appeal under section 19 of the FEMA before the Appellate Tribunal and seeks permission to withdraw the present petition with the liberty to file an appeal before the Appellate Tribunal in accordance with law. Liberty as prayed for is granted.
4. The present petition is allowed to be dismissed as withdrawn, along with pending application. However, the petitioner shall also be at liberty to take a plea before the Appellate Tribunal regarding the exclusion of the period of limitation that has been spent during the pendency of the present petition.
5. The copy of this order be given *dasti* to the counsel for the petitioner.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 16, 2024

Sk/abk