

#05 & 06

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

+ W.P.(C) 12021/2009 & W.P.(C) 12025/2009

AKON ELECTRONICS INDIA PVT LTD.

SURYA P. SAREEN

.... Petitioners

Through: Mr. C.Hari Shankar with Mr. Jagdish N.
Adv.

versus

UOI & ANR.

..... Respondents

Through: Mr. Sanjay Pathak with Mr. Sanjay, Adv.
for DDA.
Mr. Atul Nanda with Mr. Sumeer Sodhi and
Mr. Gaurav Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **30.11.2009**

This common order will dispose of the aforesaid Writ Petitions which arise out of a common order dated 13th October, 2008 disposing the petitioners' application for waiver of pre-deposit. The aforesaid order was passed in the appeals filed by the two petitioners herein against the adjudication order dated 29th January, 2005, imposing penalty of Rs.18 lakhs have on Akon Electronics India Pvt. Ltd., and Rs.9 lakhs on Mr. Surya P.Sareen, Director of M/s. Akon Communications Technology Pvt. Ltd. and M/s. Akon Electronics (India) Pvt. Ltd.

The impugned order dated 13th October, 2008 is a non-speaking and non-reasoned order. In this connection, the learned counsel for the petitioner has drawn my attention to the averments made in the Writ Petitions and it is stated that the entire foreign exchange was transferred through banks and the petitioner had also applied to Reserve Bank of India for post facto approval. It is stated that the violation if any was technical. My

attention in this regard is drawn to the order passed by Delhi High Court in Writ Petition No.16597/2006 dated 9th January, 2009. This order was passed, after the impugned order dated 13th October, 2008 but in this connection learned counsel for the petitioner states that the proceedings before the appellate tribunal for foreign exchange were adjourned to await outcome of the Writ Petition. It is stated that the order passed by the High Court is relevant.

The order dated 13th October, 2008 is a non-speaking and non-reasoned order. The same is liable to be set aside and the matter is remanded back for the re-consideration by the Appellate Tribunal for foreign exchange. In view of the aforesaid directions, the order dated 30th January, 2009 is also set aside as it is a consequential order.

It is clarified that this Court has not expressed any opinion on merits.

The Writ Petitions are accordingly disposed of.

SANJIV KHANNA, J.

NOVEMBER 30, 2009
J/P