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% 27.06.2012

Present : Mr. Chander Shekhar Yadav with Mr. P.R. Kumar and Mr. Narender Kumar, Advs. for the petitioner.
Mr. Neeraj Chaudhari, CGSC and Mr. Ravjyot Singh, Adv. for the respondent/UOI.
Mr. Ajay Arora and Mr. Kapil Dutta, Advs. for MCD.

+ CM No.7937/2012 in WP(C) No.3770/2012

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This is an application for amendment of the writ petition. The petitioner wants to amend the writ petition so as to challenge the order dated 15th April, 2011, whereby the penalty of Rs.3,48,59,542/- was imposed upon him. There is no opposition to the proposed amendment. The amendment is accordingly allowed. Amended writ petition is taken on record. The application stands disposed of.

WP(C) No.3770/2012

The learned counsel for the petitioner states that the adjudication order dated 15th April, 2011 was not served upon the petitioner in any time prior to 26th June, 2012. Section 15 of the Foreign Trade (Development and Regulation) Act, 1992 provides that any person aggrieved by any decision or order made by the adjudicating authority under the Act may prefer an appeal, within a period of 45 days from the date of the decision or order is served on such person. Since the petitioner claims to have received the copy

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of the adjudication order only on 26th June, 2012, it can very well file an appeal within 45 days from 26th June, 2012.

In view of this, the learned counsel for the petitioner seeks permission to withdraw the petition with liberty to file a statutory appeal under Section 15 of the Foreign Trade (Development and Regulation) Act, 1992. The writ petition is accordingly dismissed as withdrawn. Liberty as sought is granted.

Order dasti.


V. K. JAIN
(VACATION JUDGE)

June 27, 2012
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