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

\+ W.P.(C) 12657/2022

VEDANTA LTD. ..... Petitioner

Through: Mr. Tarun Gulati, Sr. Adv. with Mr. Kumar Visalaksh, Mr. Udit Jain, Mr. Archit Gupta and Mr. Kumar Sambhav, Advs.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. Asheesh Jain, CGSC with Mr. Adarsh Kumar Gupta, Mr. Keshav Mann, Mr. Himanshu, Advs. for R-1 to 3.

**CORAM:**
**HON'BLE MR. JUSTICE YASHWANT VARMA**

**<u>O R D E R</u>**

**% 02.09.2022**

**<u>CM APPL. 38425/2022 (for exemption)</u>**

Allowed, subject to all just exceptions.

The application shall stand disposed of.

**<u>W.P.(C) 12657/2022</u>**

Notice. Since the respondents are duly represented by learned counsel, let a counter affidavit be filed on or before the next date fixed.

Mr. Jain, learned CGSC representing the respondents, has taken a preliminary objection to the maintainability of the writ petition and submits that against the orders which are impugned here, the petitioner has already preferred an appeal which is pending before the Directorate General of

Foreign Trade. In view of the aforesaid, it was his contention that the instant writ petition should be dismissed on this score alone.

The Court finds itself unable to sustain that submission since a reading of the impugned order would show that the same is itself based and founded on a purported clarification issued by the Director General Foreign Trade [DGFT] itself. In that view of the matter, the Court finds no justification to compel the petitioner to pursue the statutory alternative remedy of an appeal which itself is pending before the DGFT. The Court also bears in mind the salient principles laid down by the Supreme Court in **Filterco Vs. Commissioner of Sales Tax [(1986) 2 SCC 103]** in this regard.

List again on 15.12.2022.

**YASHWANT VARMA, J.**

**SEPTEMBER 2, 2022**
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