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

+ LPA 951/2024 & CM APPL.69635/2024 (Interim Stay)

UNION OF INDIA & ORS.Appellants

Through: Mr. Arjun Mahajan, Ms. Neha Rai and Mr. Apoorv Upamanyu, Advs.

versus

M/S A.R. SALES PVT LTD & ORS.Respondents

Through: Mr. R.K. Handoo, Mr. B. Kumar Singh, Mr. Santosh Kumar Yadav and Mr. Sudip Lodh, Advs. for R-1.
Mr. Anurag Ojha, SSC along with Mr. Subham Kumar, Mr. Dipak Raj and Mr. Kumar Abhishek, Advs. for R-2/DRI.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **28.11.2024**

CM APPL. 55746/2024 (Ex.)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 55745/2024 (6 Days Delay)

Bearing in the mind the disclosures made, the delay of 06 days in filing the appeal is condoned.

The application shall stand disposed of.



LPA 951/2024 & CM APPL.69635/2024 (Interim Stay)

1. Notice. Since the respondents are represented, they may file a reply on the appeal within a period of three weeks from today, if so chosen and advised. The appellants shall have two weeks therefrom to file a response.
2. Prima facie, and on going through the judgment impugned, we find ourselves unable to sustain the line as struck bearing in mind the pivotal position which the Foreign Trade (Development and Regulation) Act, 1992 [**'Act'**] confers upon the Directorate General of Foreign Trade [**'DGFT'**].
3. We also bear in consideration the stipulations contained in the Foreign Trade Policy, 2023 [**'FTP'**] and which too reiterates the statutory position of issues of classification being liable to be examined by the DGFT and its view being accorded primacy. Matter requires consideration.
4. In the meanwhile and till the next date of listing, we stay the operation of the impugned judgment dated 06 August 2024.
5. Let the appeal be put down for consideration on 05.02.2025.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 28, 2024/RW