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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 358/2017

RAJ KUMAR GUPTA

Through

..... Plaintiff

Mr. Pankaj Bhatia with Mr. Dhruv Surana, Mr. Nipun Goel and Mr. Ashish Choudhury, Advocates

versus

SANJAY GUPTA & ANOTHER Defendants

Through

Ms. Pooja Bhaskar, Proxy Counsel for Mr. Satish Aggarwal, Advocate for DGCEI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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26.07.2017

I.A. 8181/2017

Present application has been filed for recall/modification of the order dated 14th July, 2017.

In the present application it is stated that the counsel for the plaintiff had admitted that the plaintiff shall not use the present suit as a defence in any criminal prosecution. It is further averred in the application that the plaintiff's counsel had not stated that the present suit would not be used as a defence in adjudication proceedings that would be filed by the Central Excise Department.



While it is true that Mr. Pankaj Bhatia at the first call had given a limited statement, yet at the pass over stage when the counsel for the defendant no. 3 had appeared and had pointed out that the intent of the plaintiff in filing the present suit was to set up a defence in adjudication proceedings, the counsel for the plaintiff appearing at the pass over stage had agreed to make the statement that was recorded.

In any event, as the statement is disputed by the counsel for the plaintiff, the order dated 14th July, 2017 is recalled in its entirety and the Registry is directed not to issue summons and notices, if they had not already been issued.

Matter is directed to be listed for admission once again on 21st August, 2017.

MANMOHAN, J

JULY 26, 2017

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