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

+ **W.P.(C) 8161/2020 & CM APPL.26448/2020**

SHREE SAI KRIPA MARKETING Petitioner
Through: **Mr. Vineet Bhatia, Advocate.**

versus

UNION OF INDIA & ORS. Respondents
Through: **Mr. Farman Ali, Advocate for R-1.**
Mr. Ravi Prakash, Advocate for
respondent nos. 2 & 3.
Ms. Mansie Jain and
Mr. Chandratanay Chaube,
Advocates for respondent no.6.

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Date of Decision: 22nd October, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed primarily challenging the final order dated 11th May, 2020 passed by National Anti-profiteering Authority (hereinafter referred to as 'NAPA') wherein it has been held that the petitioner profited Rs.38,64,891/- during the period 15th November, 2017 to 31st March, 2019.

3. Learned counsel for the petitioner contends that the calculation done by the Director General of Anti-profiteering (DGAP) is factually incorrect as he has calculated the profiteered amount twice. He emphasises that each invoice has been taken twice while calculating the profiteered amount as is evident from the Annexure 34. He also states that the profiteered amount has been computed both in the hands of the principal company as well as in the hands of the petitioner.

4. Issue notice.

5. Mr.Farman Ali, Advocate accepts notice on behalf of respondent no.1. Mr.Ravi Prakash, Advocate accepts notice on behalf of respondent nos.2 & 3 and Ms.Mansie Jain, Advocate accepts notice on behalf of respondent no.6.

6. Mr.Ravi Prakash, on instructions, admits that there are some factual mistakes in the impugned order and he has no objection if the impugned order dated 11th May, 2020 is set aside and the matter is remanded back to NAPA for fresh adjudication.

7. Learned counsel for the petitioner has no objection to the same.

8. Consequently, with consent of the parties, the impugned order dated 11th May, 2020 is set aside and the matter is remanded back to NAPA for fresh adjudication in accordance with law. List the matter before NAPA on 18th November, 2020. All the rights and contentions of the parties are left open.

9. Accordingly, present writ petition along with pending application stand disposed of.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

**OCTOBER 22, 2020
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