

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2136 of 2015

In
Civil Writ Jurisdiction Case No. 10601 of 2015

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1. The Union of India through the Secretary, Department of Finance, Govt. of India, New Delhi.
 2. The Commissioner of Customs, C.R. Building, 4th and 5th Floor, Birchand Patel Path, Patna.
 3. The Additional Commissioner, Customs, Patna.
 4. The Assistant Commissioner of Customs, Land Customs Station, Indian Border Post, Raxaul.

.... Petitioner/s

Versus

Dabur India Limited, A company Incorporated under the Companies Act, 1956 having its registered office at 8/3, Asaf ali Road, New Delhi-110002 through its authorized representative/ signatory Sri Rajinder kumar Sharma son of late O.P. Sharma, resident of D-11, P.O. + P.S.- Vivek Vihar, Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar

For the Respondent/s : Mr. Brisketu Sharan Pandey

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

5 14-09-2015

Heard learned counsels for the parties.

This application has been filed for modification of the order dated 22.07.2015 passed in C.W.J.C. No. 10601 of 2015 by which this Court has directed the petitioner to file a representation before the Assistant Commissioner, Customs, Raxaul within a period of two weeks from the date of order. It has also been directed to the Assistant Commissioner, Customs, Raxaul, to consider and dispose of the representation filed by the petitioner within a period of four weeks from the date of filing of the said representation.

It is informed by learned counsel for the Customs

Department that no matter is pending before the Assistant Commissioner, Customs, Raxaul.

Learned counsel for Opposite Party- Dabur India Limited submits that 674 appeals against the order of the Assistant Commissioner are pending before the Commissioner of Customs (Appeals). He further submits that a direction be given to the Commissioner of Customs (Appeals), instead of the Assistant Commissioner, Customs, Raxaul to dispose of the appeals.

In view of the aforesaid facts and circumstances, the order dated 22.07.2015 passed in C.W.J.C. No. 10601 of 2015 is modified to the extent that the Commissioner of Customs (Appeals), Patna, is directed to dispose of the appeals within two months from the date of receipt/production of a copy of this order in the light of the decision of the Supreme Court in the case of M/s SRF Ltd. –v- Commissioner of Customs, Chennai, passed in Civil Appeal No. 9440 of 2003.

The application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

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(Sudhir Singh, J)

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