

IN THE HIGH COURT OF BOMBAY AT GOA

CUSTOM APPEAL NOS. 1 & 2 OF 2014

CUSTOM APPEAL NO. 1 OF 2014

M/s. Twenty First Century Wire Rods Ltd.,
Plot No.D/9-1 Madkaim Industrial Estate
Madkaim, Goa. ... Appellant

V e r s u s

The Commissioner of Customs,
ICE House, EDC Complex,
Patto Plaza, Panaji Goa 403 001 ... Respondent

AND

CUSTOM APPEAL NO. 2 OF 2014

Shri Vinod Goel,
Major of age,
Chairman & Mg. Director,
M/s. Twenty First Century Wire Rods Ltd.,
408, 121 Main RME Extension,
Sadashiv Nagar, Bangalore,
(Represented herein by this duly
Constituted Attorney Mr. Vishal Agarwal) ... Appellant

V e r s u s

The Commissioner of Customs,
ICE House, EDC Complex,
Patto Plaza, Panaji Goa 403 001 ... Respondent

Mr. Hanumant D. Naik, Advocate for the appellant.

Mr. C. A. Ferreira, Advocate for the respondent.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 18th November, 2015

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. H. D. Naik, learned counsel appearing for the appellant and Mr. C. A. Ferreira, learned counsel appearing for the respondent.

2. Admit. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respondent waives service.

4. Upon hearing the learned counsel appearing for the respective parties, the only grievance raised in the above appeals at this stage is that an application filed by the appellant to waive the condition to deposit the amount of the bill of entry before the Appellate Authority in an appeal preferred by the appellant challenging the order dated 01.04.2014 came to be dismissed. By the impugned order, though the demand was to the tune of Rs.84 lakhs, the learned CESTAT has directed a deposit of an aggregate sum of Rs.66 lakhs in both the above appeals to the satisfaction of the said Appellate Authority.

5. During the course of the hearing of the above appeals,

this Court by an ad-interim order dated 10.01.2014 had inter-alia directed the appellant to furnish a bank guarantee of a Nationalized Bank to the tune of Rs.66 lakhs within a period of two weeks. This Court had also directed to renew the bank guarantee within two weeks for the reasons stated therein. Thereafter, the matter was placed for order as no renewal to that effect was complied with by the appellant.

6. When the matter was taken up for hearing today, both the learned counsel point out that the above appeals may be conveniently disposed of for the reasons stated in the said order dated 10.01.2014 and give an opportunity to the appellant to furnish a fresh bank guarantee of a Nationalized bank to the tune of Rs.66 lakhs to the satisfaction of the learned Tribunal.

7. Mr. H. D. Naik, learned counsel appearing for the appellant upon instructions submits that such bank guarantee to the satisfaction of the learned Tribunal shall be furnished within three months from today. Hence, the above appeals stand disposed of with liberty to the appellant to furnish a bank guarantee of a Nationalized bank to the tune of Rs. 66 lakhs to the satisfaction of the learned Tribunal within three months from today. In case of default in furnishing such bank guarantee, the appeal preferred by the appellant before the learned Tribunal shall be automatically

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dismissed. Needless to say that if the bank guarantee is furnished by the appellant in compliance with the above directions, the appeal preferred by the appellant shall be disposed of in accordance with law. Both the appeals stand disposed of accordingly.

C. V. BHADANG, J.

F. M. REIS, J.

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