

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.2041,2355 and 1839 of 2015

M/s.Navakar Impex (P) Ltd
by its Manager Mr.sharad Kumar Jain
21, Vathiyar Kandan street
Choolai, Chennai-112

... Petitioner in W.P.No.2041/2015

Fuso Glass India Pvt Ltd
by its Manager Mr.K.Kasirajan
"Fuso House", 4th floor
91, Poonamallee high road
Egmore, Chennai-600 084

... Petitioner in W.P.No.2355/2015

M/s. Foat glass centre
a proprietary concern
by its Manager
447/130, mint street
Chennai-600 079

... Petitioner in W.P.No.1839/2015

Vs.

1.The Designated Authority
Directorate General of Anti-Dumping & Allied Duties
Department of Commerce,
Government of India
Room No.240, Udyog Bhavan
New Delhi-11011

2.Union of India
by its Secretary
Ministry of Finance,
New Delhi

3.Bharat Glass Tube Limited
by its Managing Director
501, 5th floor, Astron Tower
Satellite, Ahmedabad-380015

... Respondents in all cases

common prayer:- Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on files of the first respondent in its proceeding F.No.14/22/2013-DGAD dated 19.12.2014 uploaded in the first respondent's website on 22.12.2014 and quash the same as invalid, violative of principles of natural justice and arbitrary.

For Petitioner in
all cases : Mr.T.V.Lakshmanan

For Respondents : Mr.G.Rajagopal, Senior Counsel
for R1 and 2
Mr.Haja Mohideen Gisthi, SCGSC
Mr.V.Swaroop for R3

COMMON ORDER

The petitioner as well as the respondents are one and the same. The issue involved in these writ petitions are identical and common arguments have been advanced by counsel for both sides. Therefore, with the consent of counsel for both sides, the writ petitions are taken up together and are disposed of by this common order.

2. In all these writ petitions, the petitioners have questioned the validity of the proceedings dated 19.12.2014 of the first respondent which was uploaded in the first respondent's website on 22.12.2014.

3. A perusal of the impugned order passed by the first respondent would indicate that as against the said order dated 22.12.2014 of the first respondent, there is an alternative remedy available by way of appeal before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act. Admittedly, the petitioners did not exhaust such alternative appeal remedy but straightaway filed the present writ petitions under Article 226 of The Constitution of India. When there is an alternative and effective remedy of appeal is available before the Tribunal, the present writ petitions cannot be entertained. Therefore, the writ petitions are disposed of with a direction to the petitioners to raise all the contentions which are raised in these writ petition before the Tribunal by filing an appeal. If any such appeal is filed by the petitioner within a period of one month from the date of receipt of a copy of this order, the

Tribunal shall entertain the same without reference to the delay in preferring such appeal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Designated Authority
Directorate General of Anti-Dumping & Allied Duties
Department of Commerce,
Government of India
Room No.240, Udyog Bhavan
New Delhi-11011
- 2.The Secretary
Union of India
Ministry of Finance,
New Delhi
- 3.The Managing Director
Bharat Glass Tube Limited
501, 5th floor, Astron Tower
Satellite, Ahmedabad-380015.

+1cc to Mr.P.Mahaadevan, Advocate, S.R.No.15545
+1cc to M/s.S.Haja Mohideen Gisthi, Advocate, S.R.No.15639
+1cc to Mr.V.Swaroop, Advocate, S.R.No.15527

W.P.Nos.2041,2355
and 1839 of 2015

SR(CO)
CA(15/04/2015)

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