

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.38891 of 2015

M/s.Kamachi Sponge and Power Corporation Ltd.
Pathapallayam Village
Gummidipoondi Taluk
Tiruvallur Tamilnadu
rep. by its Authorised Signatory
Shri.Rajesh Kumar

... Petitioner

Vs

1. Customs Excise and Service
Tax Appellate Tribunal
South Zonal Bench
Shastri Bhavan No.26
Haddows Road Chennai-6
2. The Commissioner of Customs
(Chennai IV Commissionerate) Customs House
NO.60 Rajaji Salai Chennai-1
3. The Asst. Commissioner of
Customs (Group 7H)
Customs House NO.60
Rajaji Salai Chennai-1

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent herein to hear dispose of the Appeal No.C/40116/2013-DB filed against the order passed by the Commissioner (Appeals) Chennai vide Order in Appeal C.Cus.No.1274/2012 dated 29.10.2012 pending before it within a period two weeks.

For petitioner : Mr.Sathish Sundar

For respondents : Ms.Malliga Srinivasan

O R D E R

Heard the learned counsel for the petitioner and Ms.Malliga Srinivasan, learned counsel, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a direction to the 1st respondent to dispose of the petitioners' appeal filed against the order in Appeal C.Cus.No.1274/2012 dated 29.10.2012.

3. According to the learned counsel for the petitioner, as against the order dated 29.10.2012 in C.Cus.No.1274 of 2012, an appeal came to be filed before the 1st respondent/CESTAT and the same is kept pending, though an order was passed by this Court in W.P.No.633 of 2013 dated 07.10.2014, directing the 1st respondent/CESTAT to expedite the hearing of the appeal, preferably, within a period of two months from the date of receipt of a copy of that order. It is the contention of the learned counsel for the petitioner that even though the copy of the said order of this Court was placed before the 1st respondent/CESTAT within a period of one week from 20.10.2014, on which date the said order copy was received, even after passage of over a year, the 1st respondent/CESTAT is yet to hear the appeal. Hence, the petitioner is before this Court.

4. In view of the fact that the appeal is pending consideration before the 1st respondent/CESTAT for more than a year, without going into the merits of the matter, this writ petition is disposed of by directing the 1st respondent/CESTAT to dispose of the appeal as against the order dated 29.10.2012 in C.Cus.No.1274 of 2012, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity to the petitioner. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rg

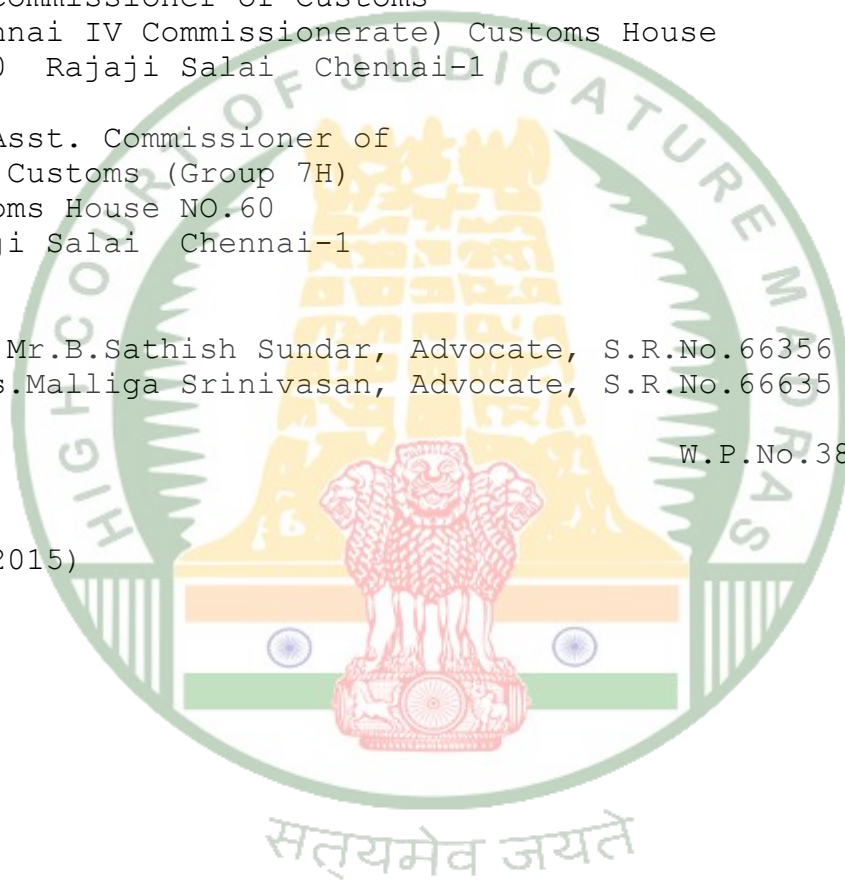
To

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Customs House NO.60
Rajaji Salai Chennai-1

+2cc's to Mr.B.Sathish Sundar, Advocate, S.R.No.66356 & 66295
+1cc to Ms.Malliga Srinivasan, Advocate, S.R.No.66635

W.P.No.38891 of 2015

KJI (CO)
CA(18/12/2015)



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