

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13533 of 2015

Date of decision: 30.11.2015

M/s Sundesh Springs Pvt. Ltd and others

..... Petitioners

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Rajesh Garg, Senior Advocate with
Ms. Nimarta Shergil, Advocate for the petitioners.

Mr. Sunish Bindlish, Advocate for the respondents.

AJAY KUMAR MITTAL, J. (ORAL)

Reply to the rejoinder has been filed by learned counsel for respondents in Court today. The same is taken on record. A copy thereof has been handed over to learned counsel for the petitioners.

2. Prayer in this writ petition filed under Articles 226 and 227 of the Constitution of India, is for setting aside the order dated 07.04.2015 (Annexure P-5) passed by the Customs, Excise and Service Tax Appellate Tribunal, New Delhi.

3. At the outset, learned counsel for the respondents with reference to para 17 of the written statement filed on behalf of respondent No. 4 submitted that the impugned order seeking waiver of pre-deposit is an order passed in appeal which is appealable in this Court under Section 130 of the Customs Act, 1962.

4. Learned counsel for the petitioners submitted that in such a situation, the instant writ petition be dismissed as withdrawn with liberty to the petitioners to file appeal against the impugned order. He, however, prayed that sometime may be give to the petitioners to file the appeal and the question of limitation be not taken against the petitioners.

5. In view of the above and after hearing learned counsel for the parties, the instant petition is dismissed as withdrawn. It is, however, clarified that in case, an appeal is filed within 15 days from today, the same shall not be liable to be dismissed on the ground of limitation.

**(AJAY KUMAR MITTAL)
JUDGE**

November 30, 2015
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**(RAMENDRA JAIN)
JUDGE**