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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CUSAA 26/2015

VIKAS CHOUDHARY

..... Appellant

Through: Mr C. Hari Shankar, Senior Advocate
with Mr S. Sunil and Mr N. Jagdish, Advocates.

versus

COMMISSIONER OF CUSTOMS

..... Respondent

Through: Mr Kamal Nijhawan, Senior Standing
Counsel.

WITH

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CUSAA 27/2015

COMMITTED LOGISTICS PVT. LTD.

..... Appellant

Through: Mr C. Hari Shankar, Senior Advocate
with Mr S. Sunil and Mr N. Jagdish, Advocates.

versus

COMMISSIONER OF CUSTOMS ICD

..... Respondent

Through: Mr Kamal Nijhawan, Senior Standing
Counsel.

WITH

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CUSAA 28/2015

VIKAS CHOUDHARY

..... Appellant

Through: Mr C. Hari Shankar, Senior Advocate
with Mr S. Sunil and Mr N. Jagdish, Advocates.

versus

COMMISSIONER OF CUSTOMS

..... Respondent

Through: Mr Kamal Nijhawan, Senior Standing
Counsel.

AND

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CUSAA 29/2015

COMMITTED LOGISTICS PVT. LTD

..... Appellant

Through: Mr C. Hari Shankar, Senior Advocate
with Mr S. Sunil and Mr N. Jagdish, Advocates.

versus

COMMISSIONER OF CUSTOMS

..... Respondent

Through: Mr Kamal Nijhawan, Senior Standing
Counsel.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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22.12.2015

CM No.32105/2015 in CUSAA 27/2015

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

CM No.32107/2015 in CUSAA 27/2015

CM No.32111/2015 in CUSAA 28/2015

3. For the reasons stated therein, the delay in re-filing of the appeals is
condoned.

4. The applications stand disposed of.

CUSAA 26/2015 & CM No.31812/2015

CUSAA 27/2015 & CM No.32106/2015

CUSAA 28/2015 & CM No.32110/2015

CUSAA 29/2015 & CM No.32113/2015

5. These appeals challenged two orders passed by the Customs, Excise and Service Tax Appellate Tribunal (CESTAT). The first is dated 6th July, 2015 requiring the Appellant company (Committed Logistics Pvt. Ltd.) as well as its Managing Director (Vikas Choudhary) to each make a pre-deposit of Rs.10 lakhs on or before 21st September, 2015. Since that order was not complied with, the CESTAT passed the further consequential order on 21st September, 2015 dismissing their appeals.

6. This Court has heard at length the submissions of Mr C. Hari Shankar, Senior Counsel appearing for the Appellants and has perused, the order-in-original dated 31st March 2013 of the Adjudicating Authority. The facts in the present case have been discussed by the CESTAT to the extent necessary in the impugned order dated 6th July, 2015.

7. The Court is satisfied that the orders passed by the CESTAT suffer from no legal infirmity.

8. The further plea by Mr Hari Shankar is for extension of time for making the pre-deposit.

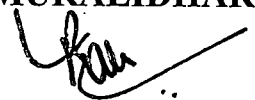
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9. The Court modifies the impugned order dated 6th July 2015 of the CESTAT by extending the time for each of the Appellants making the being pre-deposit as ordered by the CESTAT by the said order in both appeals up to 31st December, 2015, failing which the order passed by the CESTAT on 21st September, 2015 will remain. If the deposit is made on or before 31st December 2015, then order dated 21st September 2015 of the CESTAT will be treated as having been set aside and the appeals will then be restored to file and heard and disposed of on merits by the CESTAT

10. The appeals and all the pending applications are disposed of in the above terms.



S.MURALIDHAR, J



VIBHU BAKHRU, J

DECEMBER 22, 2015
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