

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 673 OF 2015

GERTRUDES HOTELS PVT. LTD.,
THROUGH ITS MANAGING DIRECTOR
MR. PAUL ESTEVAM FERNANDES.

... Petitioner

Versus

ASSISTANT COMMISSIONER OF CENTRAL
EXCISE AND ANR.,

... Respondents

Mr. Devidas J. Pangam, Advocate for the petitioner.
Mr. Carlos Alvares Ferreira, Advocate for the respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 29th March, 2016

P.C.

Heard Mr. D. Pangam, learned Counsel appearing for the petitioner and Mr. C. Ferreira, learned Counsel appearing for the respondents.

2. In the course of hearing of the above petition, Mr. Ferreira, learned Counsel appearing for the respondents has pointed out that the petitioner has an alternate remedy to challenge the impugned orders by preferring an appeal under Section 83 of the Customs Act.

3. Mr. Pangam, learned Counsel appearing for the petitioner, as such, upon instructions seeks leave to withdraw the above petition with liberty to challenge the impugned orders before the Commissioner(Appeals).

4. Mr. Ferreira, learned Counsel appearing for the respondents has no objection.

5. Mr. Pangam, learned Counsel, however, submits that the interim order passed by this Court on 31.8.2015 may be continued till the disposal of the appeal. Mr. Ferreira, learned Counsel upon instructions has no objection in case such order is extended and held to be in operation until the disposal of the such appeal.

6. Mr. Pangam, learned Counsel has also sought protection on limitation in preferring such appeal. Mr. Ferreira, learned Counsel submits that the period taken in filing the above petition can be excluded in terms of Section 14 of the Limitation Act, 1963.

7. As such, the above Writ Petition stands dismissed as withdrawn, with liberty as prayed for. However, by consent, the ad-interim orders dated 31.8.2015 passed in the above petition shall be in operation until the disposal of such appeal. Mr. Pangam, learned Counsel undertakes to file such appeal within 15 days from today. The appeal proposed to be preferred by the petitioner shall be examined by the authority on its own merits in accordance with law. Needless to state that all the contentions of both the parties on merits are kept open.

8. The petition stands disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.