

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MRS.JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.1309 of 2009

Commissioner of Customs (Exports)
Custom House,
Chennai-600 001.

... Appellant

Versus

1. M/s.Reliance Engineers Pvt Ltd.,
Unit 1 No.97/98, III phase,
Peenya Industrial Area,
Bangalore-560 058.

2. Customs, Excise and Service Tax Appellate
Tribunal, Chennai, South Zonal Bench,
Sastri Bhavan Annexe, 1st Floor, 26,
Haddows Road, Chennai-600 006.

... Respondents

Prayer: Appeal presented to the High Court against the Final Order No.478 of 2008, dated 14.5.2008, on the file of the Customs, Excise and Service Tax Appellate Tribunal, Chennai-600 006.

For Appellant : Mr.Ravi Anantha Padmanabhan

For Respondents : No Appearance (R1)
Tribunal (R1)

WEB COPY
O R D E R

The learned counsel appearing for the Appellant/Department had submitted that he may be permitted by this court to withdraw the present Civil Miscellaneous Appeal, in view of the instructions issued, in F.No.390/Misc./163/2010-JC, issued by the Central Board of Excise & Customs, Department of Revenue, Ministry of Finance, Government of India, dated 17.12.2015, as the monetary limit relating to the matter is less than Rs.15,00,000/-.

2. The learned counsel had further submitted that liberty may be granted to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant circular issued by the Central Board of Excise & Customs.

3. In view of the submissions made by the learned counsel appearing for the Appellant/Department, the present Civil Miscellaneous Appeal stands dismissed, as withdrawn. It is made clear that the questions of law, which may arise for the decision of this Court, in the present Civil Miscellaneous Appeal, are left open to be considered and decided in appropriate cases, in accordance with law. It is also made clear that it would be open to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant instructions issued by the Central Board of Excise & Customs, within a period of twelve weeks from today. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

csb

To

1. Commissioner of Customs (Exports)
Custom House,
Chennai-600 001.
2. Customs, Excise and Service Tax Appellate
Tribunal, Chennai, South Zonal Bench,
Sastri Bhavan Annexe, 1st Floor, 26,
Haddows Road, Chennai-600 006.

+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.10382

Civil Miscellaneous Appeal No.1309 of 2009

AD(CO)
CA(26/02/2016)