

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2016

CORAM

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.33286 of 2015

&

M.P.Nos. 1 & 2 of 2015

M/s Daduram Industries Private Limited
rep. By its Authorized Signatory
Mr.Jaikishan Malani
Hyderabad 64.

... Petitioner

Vs

1. The Commissioner of Appeals - II
Rajaji Salai, Chennai 1.

2. The Assistant Commissioner of Customs (Refunds)
Office of the Commissioner of Customs
Chennai-IV, Rajaji Salai,
Chennai 1.

... Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records in respect of the impugned order in Appeal No.C.Cus.II No.511/2015 dated 29.05.2015-C3-II/488/R/2014-SEA issued by the Commissioner (Appeal-II), the first respondent herein and to quash the same as null and void.

For petitioner : Mr.S.Siva Shankar

For Respondents : Mr.K.Mohana Murali

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O R D E R

After hearing the learned counsel appearing for the petitioner for sometime, it is seen that the petitioner's Application for refund was rejected by the second respondent by an order-in-original dated 08.05.2015. The said order was challenged by the petitioner by filing an Appeal before the first respondent. But, the Appeal was rejected, as time barred. However, inadvertently, the petitioner has questioned only the

order passed by the first respondent viz. the Appellate Authority. Therefore, the learned counsel prays that he may be permitted to file a fresh Writ Petition, challenging both the orders passed by the Original Authority as well as the Appellate Authority and raise grounds on merits. He has also made an endorsement to the said effect.

2.In the light of the above, the Writ Petition is dismissed as withdrawn, with liberty as sought for. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Commissioner of Appeals
Rajaji Salai, Chennai 1.
2. The Assistant Commissioner of Customs (Refunds)
Office of the Commissioner of Customs
Chennai-IV, Rajaji Salai,
Chennai 1.

+1cc to Mr.K.Mohana Murali, Advocate, S.R.No.43677
+1cc to Mr.S.Siva Shankar, Advocate, S.R.No.43734

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AK(CO)
CA(17/08/2016)

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