IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.A.Nos.1620 and 1675 of 2003

M/s.Madras Steel Re-Rollers
Association, rep. by its President,
Sri Umesh Madan. .. Appellant in WA.1620/2003/Petitioner

Tamil Nadu Steel Re-rollers Council,
Rep. by its President, M.Chinnasami. .. Appellant in WA.1675/2003/Petitioner

-vs-

1.The Union of India,
Rep. by its Secretary to Govt.,
Dept. of Revenue, Ministry of Finance,
North Block, New Delhi.

2.The Central Board of Excise
and Customs, North Block,
New Delhi. .. Respondents in both WAs./Respondent

Appeals filed under Clause 15 of the Letters Patent against the order dated 05.03.2003 made in W.P.Nos.14672 of 1997 and 167 of 1998 on the file of this Court.

These Writ Petitions are filed Under Article 226 of the Constitution of India, to issue a Writ of Declaration Order or direction to declare that Rule 5 of the Hot Rerolling steel Mills Annual Capacity Determination (Amendent) Rules 1997 inserted by Notification No.45/97-Central Excise (NT) dated 30.08.1997 as ultra vires and directly contrary to Section 3-A of the Central Excise Act 1944 and Sub Rule 3 of the Hot Re-rolling Mills Annual Capacity Determination (Amendment) rules 1997 is so far as the Member of the petitioner Association are concerned.

For Appellants : Mr.K.Jayachandran in both the Appeals

For Respondents: Mr.A.P.Srinivas, SSC in both the Appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The Transfer Petition Civil Nos.1582-1586 of 2016, have been dismissed. However, by the same order dated 03.10.2016, it has been observed that considering that several such writ petitions challenging the constitutionality of Rule 5 of the Hot Re-Rolling Steel Mills Annual Capacity Determination Rules, 1997, are pending in several courts all over the country, the Registry was directed to list before the appropriate Bench Civil Appeal No.7823 of 2014 along with connected matters for hearing at an early date.

2.In view of the aforesaid position, it is agreed that since the present matter arises from challenge to the same rule, the final verdict of the Hon'ble Supreme Court in Civil appeal No.7823 of 2014 would govern the parties also.

3.Writ appeals, accordingly, stand disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Govt. of India,
Dept. of Revenue, Ministry of Finance,
North Block, New Delhi.

2.The Central Board of Excise
and Customs, North Block,
New Delhi.

+2cc to Mr.K.Jayachandran, Advocate Sr.63004
+1cc to M/S.A.P.Srinivas, Advocate SR.63038

W.A.Nos.1620 and 1675 of 2003

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srg 25/11/2016