

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23616 of 2016

M/s.Kothari Petrochemicals Ltd
Rep by its Company Secretary 1/2B
33/5 Sathangadu Village Chennai-600 068 ... Petitioner

versus

1. The Commissioner of Central
Excise (Appeals)-I
26/1 Mahatma Gandhi Marg
Nungambakkam Chennai-600 034
2. The Assistant Commissioner
of Central Excise
C Division Chennai-I
Commissionerate Ananda Office Complex
Anna Salai Teynampet Chennai-600 018 ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the respondent in the impugned order in Order in Appeal No.242/2015(CXA-I) dated 26.11.2015 dismissing the appeal filed by the petitioner as time barred quash the same and further direct the first respondent to take the appeal on record.

For petitioner : Mrs.S.Radhika Chandrasekhar

For respondents : Mr.A.P.Srinivas

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O R D E R

Heard Tmt.S.Radhika Chandrasekhar, learned counsel for the petitioner and Thiru.A.P.Srinivas, learned counsel for the respondents.

2. With the consent of either side, the Writ Petition itself is taken up for disposal.

3. After making some arguments, the learned counsel for the petitioner submitted that the petitioner may be permitted to move the revisional authority. This submission is made because, this Court had prima facie made it clear that factual issues have to be gone into as to whether the petitioner had received the order in original dated 20.11.2013, which was despatched.

Hence, the Writ Petition stands disposed of granting liberty to the petitioner to move the revisional authority. No costs.

4. Registry is directed to return the original of the impugned order to the petitioner forthwith.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Central
Excise (Appeals) -I
26/1 Mahatma Gandhi Marg
Nungambakkam Chennai-600 034
2. The Assistant Commissioner
of Central Excise
C Division Chennai-I
Commissionerate Ananda Office Complex
Anna Salai Teynampet Chennai-600 018

Copy To

The Section Officer,
Current Section,
High Court, Madras.
(To return the impugned order)

+1cc to Mr.K.Vaitheeswaran, Advocate, S.R.No.38255

W.P.No.23616 of 2016

TM(CO)
CA(23/07/2016)

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