

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHNDRABAABU

Writ Petition No.9539 of 2017
and
W.M.P.No.10471 of 2017

M/s.Fashion House
Swastik Complex
No.401/1, Cellar Floor
Seshadripuram, Bangalore - 560 020,
Karnataka.

... Petitioner

Vs.

- 1.The Customs Excise & Service Tax Appellate Tribunal
South Zonal Bench
No.26, Shastri Bhavan Annexe Building
Haddows Road, Nungambakkam,
Chennai-600 028.
- 2.The Commissioner of Customs &
Central Excise (Appeals)
Contonment, Thiruchirapalli.
- 3.Commissioner of Customs
Tuticorin.
- 4.The Joint Commissioner of Customs
Custom House, Tuticorin.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Final Order No.40118/2017 dated 30.01.2017 and quashing the same as in violation of principles of Natural justice, illegal, arbitrary, perverse and ultravires the Constitution of India and the relevant provisions of Customs Act, 1962 and further directing the 1st respondent to consider and pass order on merits in the Appeal No.C/304/2007-DB in accordance with law after affording a reasonable opportunity of hearing to the petitioner or alternatively directing the 2nd respondent to consider the issue afresh on merits in accordance with law.

For Petitioner : Mr.T.Sundaranathan

For Respondents : Dr.S.Seethalakshmi,
Standing Counsel

ORDER

The petitioner is aggrieved against the final order passed by the Customs, Excise and Service Tax Appellate Tribunal dated 30.01.2017. As against the final order passed by the CESTAT, a statutory appeal lies before this Court, that too, before the Division Bench, as provided under Section 130 of the Customs Act, 1962. Therefore, the petitioner is not entitled to maintain this writ petition.

2. The learned counsel appearing for the petitioner at this point of time, seeks permission to file such appeal. Granting such liberty, this writ petition is dismissed as not maintainable. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Customs Excise & Service Tax Appellate Tribunal
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No.26, Shastri Bhavan Annexe Building
Haddows Road, Nungambakkam,
Chennai-600 028.

2.The Commissioner of Customs & Central Excise (Appeals)
Contonment, Thiruchirapalli.

3.The Commissioner of Customs
Tuticorin.

4.The Joint Commissioner of Customs
Custom House, Tuticorin.

+lcc to Dr.S.Seethalakshmi, Advocate, S.R.No.25249

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KS(CO)
CA(05/05/2017)