

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM:

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

W.P.No.22539 of 2017

M/s.Ace Global Logistics,
Plot No.16A, "Sai Krupa" Vasantham Nagar,
Old Pallavaram,
Chennai-117
By its Partner B. Ravi. ..Petitioner

Vs.

1. The Customs, Excise and
Service Tax Appellate Tribunal
Shastri Bhawan Annexe,
1st Floor, Haddows Road,
Chennai - 6
2. The Commissioner of Customs,
Chennai VIII Commissionerate,
No.60, Rajaji Salai, Customs House
Chennai - 1 ..Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Mandamus
directing the 1st respondent/ tribunal herein to hear the appeal
filed by the petitioner and numbered as C/41485/2016-DB on an
out of turn basis and to pass final orders thereon on merits
within a specified time period.

For Petitioner : Mr.N.Viswanathan

For Respondents : Mr.A.P.Srinivas,
Standing Counsel.

O R D E R

The petitioner has filed this writ petition praying for a direction upon the first respondent/Tribunal to take up the appeal petition filed by the petitioner challenging the order in original dated 27.06.2016, by which the petitioner's Customs Broker Licence had been revoked.

2. Learned counsel for the petitioner pointed out that in the inquiry report submitted by the Deputy Commissioner of Customs, dated 08.04.2016, it has been observed that the authority did not recommend revocation or suspension of the petitioner's Customs Broker Licence.

3. The petitioner moved the Tribunal by way of a miscellaneous petition, requesting for an earlier hearing. Taking note of the report submitted by the Deputy Commissioner of Customs, dated 08.04.2016, the Tribunal was inclined to list the matter in April 2017 for the purpose of fixing the date for hearing. The Tribunal by its order dated 18.10.2016, disposed of the said miscellaneous petition, observing that the matter can be considered for listing in April, 2017, for fixing the date of hearing.

4. It appears that the matter was not listed in April 2017, for the purpose of fixing a date of hearing and therefore, the petitioner is before this Court, by way of this writ petition.

5. Admittedly, the first respondent is a Statutory Tribunal, the last fact finding authority among the hierarchy of authorities under the Customs Act, Central Excise Act and the Finance Act.

6. I have been informed that the Tribunal holds regular sitting and matters have been heard on a day-to-day basis. Further in the order dated 18.10.2016, the Tribunal has observed that the appeals of the year 2007 are also pending. Thus, this Court is not inclined to issue directions to the first respondent/Tribunal to give out of turn hearing for the petitioner's appeal. However, considering the fact that the petitioner's Customs Broker Licence stands revoked for more than a year and the Tribunal had directed the matter to be listed in 2017, for fixing hearing, the petitioner is given liberty to mention before the Tribunal, so that the matter can be listed for the purpose of fixing a date for hearing.

7. With the above observations, the writ petition is disposed of. No costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

sli

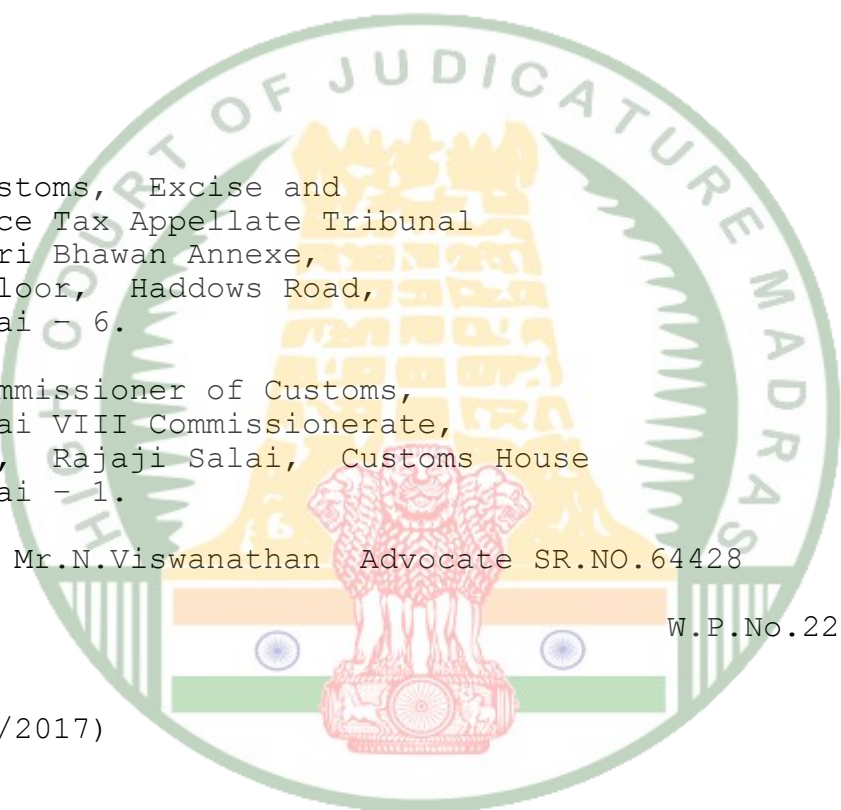
To

1. The Customs, Excise and Service Tax Appellate Tribunal
Shastri Bhawan Annexe,
1st Floor, Haddows Road,
Chennai - 6.
2. The Commissioner of Customs,
Chennai VIII Commissionerate,
No.60, Rajaji Salai, Customs House
Chennai - 1.

+1 C.C. to Mr.N.Viswanathan Advocate SR.NO.64428

W.P.No.22539 of 2017

EV(CO)
T.R (28/09/2017)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is flanked by two green palm trees. The entire emblem is set against a white background with a green border. The words 'HIGH COURT OF JUDICATURE MADRAS' are written in a circular path around the emblem. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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