

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.Nos.3874 and 3875 of 2017

and

W.M.P.Nos.3935 to 3938 of 2017

M/s.Toshniwal Hyvac Private Limited,
Represented by its Director,
Mr.T.N.Kannan

...Petitioner in both W.Ps.

Vs.

1. The Commissioner of Central Excise (Appeals),
Chennai II Commissionerate,
No.26/1, Mahathma Gandhi Road,
Chennai - 600 034.
2. The Assistant Commissioner of Central Excise
Chennai II Commissionerate,
R-40, A-1, Hundred Feet Road,
Mogappair East, Chennai - 600 037.
3. The Superintendent of Central Excise,
Ambattur II Range, Chennai II Division,
A-1, R-40, 100 FT Road,
Mugappair East, Chennai - 600 037.

... Respondents in both W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus to call for the records of the impugned Order-In-Appeal Nos.421 and 422/2016 (CXA-II) dated 22.11.2016 passed in Appeal No.292/ 2016 CXA-II CH-II (Old Appeal Nos.91/08 M-11) and Appeal No.293/ 2016 CXA-II CH-II (Old Appeal No.225/2007 M-II) respectively, by the 1st Respondent herein and quash the same and consequently direct the Respondent to restore the Appeal No.292/ 2016 CXA-II CH-II (Old Appeal No.91/08 M-II) and and Appeal Nos.293/ 2016 CXA-II CH-II (Old Appeal No.225/2007 M-II) respectively, and transfer the same to "CALL BOOK" pending disposal of Appeal No.E/ 400/ 2008 on the file of the Honourable Customs, Central Excise & Service Tax Appellate Tribunal, South Zonal Bench, Chennai.

For Petitioner : Mr.C.Saravanan

C O M M O N O R D E R

1.After some arguments, Mr.Saravanan seeks liberty to withdraw the writ petition to take recourse to an appropriate statutory remedy.

2.The writ petitions are dismissed as withdrawn, with liberty as prayed for.

2.1.The fact that the petitioner approached this Court will be taken into account by the Tribunal in condoning the delay.

2.2.Consequently, the connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Commissioner of Central Excise (Appeals),
Chennai II Commissionerate,
No.26/1, Mahathma Gandhi Road,
Chennai - 600 034.
2. The Assistant Commissioner of Central Excise
Chennai II Commissionerate,
R-40, A-1, Hundred Feet Road,
Mogappair East, Chennai - 600 037.
3. The Superintendent of Central Excise,
Ambattur II Range, Chennai II Division,
A-1, R-40, 100 FT Road,
Mugappair East, Chennai - 600 037.

+2cc's to Mr.C.Saravanan, Advocate, S.R.Nos.10150 & 10151

W.P.Nos.3874 and 3875 of 2017
and
W.M.P.Nos.3935 to 3938 of 2017

VGI (CO)
CA(02/03/2017)