

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T. SIVAGANANAM

W.P.No.10192 of 2004

and W.P.M.P.No.11863 of 2004

and W.P.M.P.No.1386 of 2005

Kamachi Steels Limited,
Represented by its Director Mr. Vinod Kothari
GNT Road, Durai Nallur,
Puduvayal Post,
Ponneri-601 201. ... Petitioner

Vs.

1. Union of India,
Represented by its Secretary
Ministry of Finance,
Department of Revenue,
New Delhi.
2. Commissioner of Central Excise,
Chennai - II Commissionerate,
M.H.U.Complex,
692, Anna Salai, Nandanam,
Chennai-600 035.
3. The Additional Commissioner of Central Excise,
Chennai -II Commissionerate,
M.H.U.Complex,
692, Anna Salai, Nandanam,
Chennai-600 035. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuing a Writ of Declaration, declaring Rule 8 of the Central Excise Valuation (Determination of Price of Excisable Goods) Rules, 2000, notified under Notification No.45/2000-C.E.(N.T.), dated 30.06.2000, ultra vires Section 4 (1)(B) and Section 37(2)(i) of the Central Excise Act, 1944, and unenforceable as ultra vires Article 14 and 19(1)(g) and Article 265 and 300-A of the Constitution of India, in so far as the petitioner is concerned.

For Petitioner : Mr.M.A.Mudimanian
for Mr. K.Jayachandran

For Respondents : Mr.A.P. Srinivas,
Senior Panal Counsel

ORDER

Heard Mr.M.A.Mudimanian, learned counsel for Mr.K.Jayachandran, learned counsel for the petitioner and Mr.A.P.Srinivas, learned Senior Panal Counsel appearing for the respondents.

2. This writ petition has been filed seeking for issuance of a Writ of Declaration, declaring Rule 8 of the Central Excise Valuation (Determination of Price of Excisable Goods) Rules, 2000, notified under Notification No.45/2000-C.E.(N.T.), dated 30.06.2000, ultra vires Section 4(1)(B) and Section 37(2)(i) of the Central Excise Act, 1994, and unforceable as ultra vires Article 14 and 19(1)(g) and Article 265 and 300-A of the Constitution of India. 3. The petitioner has filed this writ petition referring to earlier writ petitions, which were filed by M/s.Tamarai Mills Ltd. and others in W.P.No.23725 of 2001 etc. All those writ petitions have been disposed of by an order dated 24.11.2008. However, either the counsel appearing for the petitioner or the counsel appearing for the respondents, do not have the copy of the order.

4. Since the earlier writ petition, with an identical prayer, has been disposed of, this writ petition is also disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vsm

1. The Secretary to Government,
Union of India,
Ministry of Finance,
Department of Revenue,
New Delhi.

2. Commissioner of Central Excise,
Chennai - II Commissionerate,
M.H.U.Complex, 692, Anna Salai,
Nandanam, Chennai-600 035.

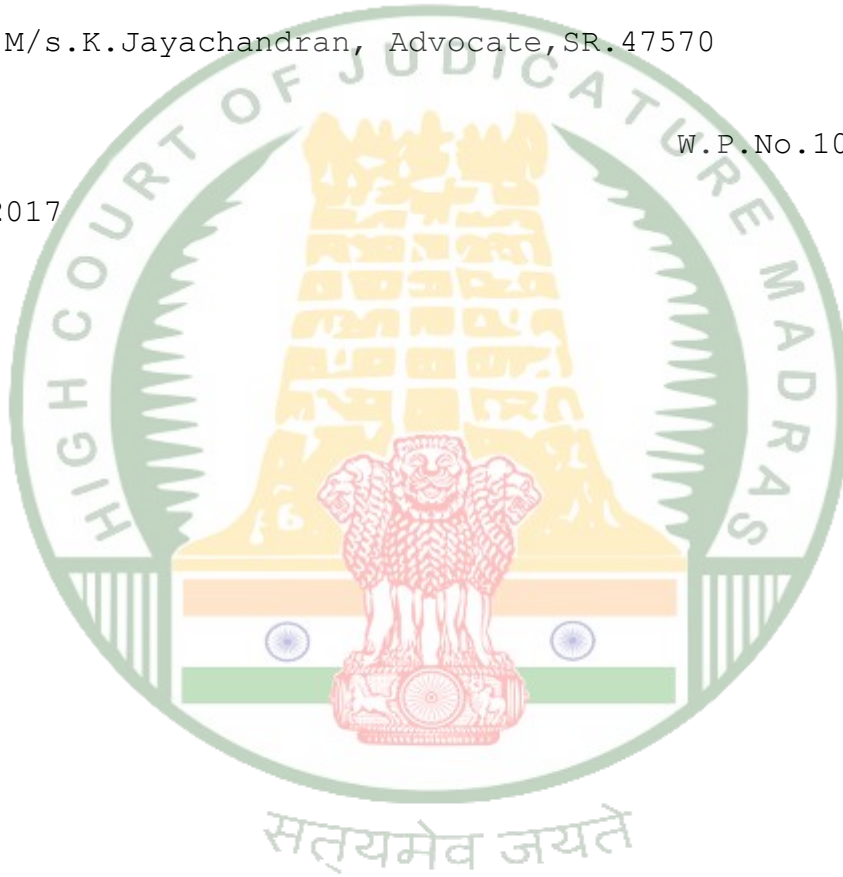
3. The Additional Commissioner of Central Excise,
Chennai -II Commissionerate,
M.H.U.Complex, 692, Anna Salai,
Nandanam, Chennai-600 035.

+ 1 cc to M/s.A.P.Srinivas, Advocate, SR.47898

+ 1 cc to M/s.K.Jayachandran, Advocate, SR.47570

W.P.No.10192 of 2004

NR 24/07/2017



WEB COPY