

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2017

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.26665 of 2004
and
W.P.M.P.No.32471 of 2004

M/s.Natco Pharma Ltd.,
rep. by its Executive Vice President (Finance)
Mr.P.Bhaskara Narayana. ...Petitioner

Vs.

1. The Customs Excise and Service Tax
Appellate Tribunal,
South Zonal Bench,
Haddows Road,
Chennai - 600 006.
2. The Commissioner of Customs,
Air Cargo Complex,
Meenambakkam,
Chennai - 600 027. ...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the first respondent, bearing NoC/PD/266/02 in C/384/2002, culminating in the stay order No.253 of 2004, dated 15.06.2004, and to quash the same, and consequently, to direct the first respondent to hear the Appeal filed by the petitioner, without insisting for any pre-deposit of duty or penalty.

For Petitioner :Mr.S.Murugappan
For Respondents :Mr.V.Sundareswaran
Senior Standing Counsel

O R D E R

Heard Mr.S. Murugappan, the learned counsel appearing for the petitioner, and Mr.V.Sundareswaran, learned Senior Standing Counsel for the respondents.

2. This Writ Petition has been filed, challenging the order passed by the Customs, Excise Service Tax Appellate Tribunal (CESTAT), directing pre-deposit of a sum of Rs.15,00,000/- as condition precedent for pursuing the Appeal filed before the CESTAT. Though the Writ Petition was entertained, no order of injunction was granted, as a consequence of which, the Appeal was dismissed by CESTAT. Subsequently, the petitioner is said to have pre-deposited the amount, the Appeal was restored, and final order has been passed on 29.10.2009. The learned counsel appearing for the petitioner has produced a copy of the said order. In the light of the same, nothing further survives for adjudication in this Writ Petition. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Customs Excise and Service Tax
Appellate Tribunal,
South Zonal Bench,
Haddows Road,
Chennai - 600 006.
2. The Commissioner of Customs,
Air Cargo Complex,
Meenambakkam,
Chennai - 600 027

+1 CC to Mr.S. Murugappan, Advocate sr 49307

+1 CC to Mr.V. Sundareswaran, Advocate sr 48934

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SP(27/07/2017)