



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Thirteenth day of September Two Thousand and Seventeen

PRESENT

**The Hon`ble Mr.Justice M.M.SUNDRESH  
and**

**The Hon`ble Mr.Justice N.SATHISH KUMAR**

CMP (MD) No.1080 of 2017

IN

CMA (MD) No.454 of 2011

M/S.SRI.GANESH INDUSTRIES,  
3-A, BB ROAD, SUNDARRAJAPURAM,  
MADURAI-11.

... PETITIONER/APPELLANT

Vs

1.THE CUSTOMS EXCISE SERVICE TAX APPELLATE TRIBUNAL,  
SHASTRI BHAVAN,  
ANNEXE BUILDING,  
1ST FLOOR, CHENNAI-06.

2 THE COMMISSIONER OF CENTRAL EXCISE,  
MADURAI COMMISSIONERATE, BIBIKULAM,  
MADURAI-35. ... RESPONDENTS

Prayer in CMP(MD).No.1080/2017:-

Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code praying this Hon'ble Court to restore the order passed in C.M.A(MD) No.454 of 2011 dated 05.10.2016 Dismissed for non prosecution.

Prayer in CMA(MD). 454/ 2011 :

Civil Miscellaneous Appeal filed under Section 35G of the Central Excise Act, 1944 against the final order No. 1801 of 2009 of CESTAT dated 24/11/2009 made in Appeal No. E/652/2003 on the file of Customs, Excise and Service Tax Appellate Tribunal, South Zonal Bench, Chennai.

ORDER : This petition coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of Mr.R.Saraswathi, Advocate for the Petitioner, and of Mr.R.Aravinth, Advocate for the Respondent Nos.1 and 2, this

Court made the following order:



Being satisfied with the reasons stated in the affidavit filed in support of the petition, this MP(MD).No.1080 of 2017 is allowed.

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/ TRUE COPY /

sd/-  
Assistant Registrar(Co)

Sub-Assistant Registrar

TO

1. THE CUSTOMS EXCISE SERVICE TAX APPELLATE TRIBUNAL,  
SHASTRI BHAVAN,  
ANNEXE BUILDING,  
1ST FLOOR, CHENNAI-06.
- 2 THE COMMISSIONER OF CENTRAL EXCISE,  
MADURAI COMMISSIONERATE, BIBIKULAM,  
MADURAI-35.
- 3 THE DEPUTY COMMISSIONER,  
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE,  
MADURAI-2.
4. THE COMMISSIONER OF CENTRAL EXCISE (APPEALS),  
LAL BAHADUR SHASTRI MARG,  
CENTRAL REVENUE BUILDINGS,  
MADURAI-625 002

COPY TO:

THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER DATED :13/09/2017  
RESTORED  
CMP(MD) No.1080 of 2017  
IN  
CMA(MD) No.454 of 2011

Allowing the Petition as  
stated within.

AE/KP/SAR2/20.09.2017/2P/6C