



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.11241 of 2017

IN

CMA(MD) No.SR10331 of 2016

M/S.DCW LTD.,
CAUSTIC SODA & PVC DIVISIONS, SAHUPURAM,
THOOTHUKUDI DISTRICT.
TAMIL NADU-628 229

... PETITIONER/APPELLANT

Vs

COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN-628 004

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 544 days in representing CMA(MD) No.SR.10331 of 2016 and pass such other orders and thus render justice.

PRAYER IN CMA(MD) No.SR.10331 of 2016 :

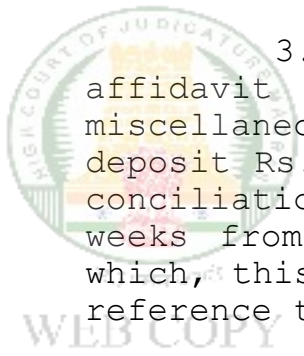
To set aside that portion of the Impugned Final Order No.41473 of 2015 dated 11.06.2015 in Appeal No.C/85/2007 of the Hon'ble Customs, Excise and Service Tax Appellate Tribunal, South Zonal Bench, Chennai which seeks to invoke the extended period of limitation under section 28 of the Customs Act, 1962 and demand payment of duty of Rs.95,29,591/- representing duty of customs under the proviso to Section 28(1) of the Customs Act, 1962 alongwith applicable interest, on the Appellant and thus allow the appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.SAKTHIKUMARAN, Advocate for the petitioner the court made the following order:-

(Order of this court was made by **K.KALYANASUNDARAM, J.**)

This civil miscellaneous petition has been filed to condone the delay of 544 days in representing CMA(MD)No.SR10331 of 2016.

2. Heard Mr.T.Sakthikumaran, learned counsel for the petitioner and perused the records.
<https://hcservices.ecourts.gov.in/hcservices/>



3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this civil miscellaneous petition is allowed on terms that the petitioner shall deposit Rs.10,000/- (Rupees Ten Thousand only) to the Mediation and conciliation centre, attached to this Court, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition will be automatically dismissed without further reference to this Court.

sd/-
08/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE,
THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL,
SOUTH ZONAL BENCH, CHENNAI

COPY TO
THE COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.SAKTHIKUMARAN Advocate SR.No.35850

ORDER
IN
CMP (MD) No.11241 of 2017
IN
CMA (MD) No.SR10331 of 2016
Date :08/12/2017

MKV-CM-VR-SAR 1/19.12.2017/2P-4C