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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P(MD)No.18509 of 2017
and
WMP(MD).Nos.14928 and 14929 of 2017

Abdul Alim, ... Petitioner

vs.

The Joint Commissioner,
Office of the Commissioner of
Central GST and Central Excise,
Central Revenue Buildings,
Lal Bahadur Sashtri Road,
Bibikulam, Madurai - 625 002. ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the Respondent herein dated 06.07.2017 in connection with File No.VIII/10/16/2016-Adjn Cus and quash the same as illegal in so far as the imposition of penalty on the petitioner is concerned.

For Petitioner : Mr.J.Lawrance
For Respondent : Mr.S.Gurumoorthy

ORDER

The learned counsel appearing for the petitioner informs that the petitioner would avail the remedy of appeal provided under Section 128 of the Customs Act, 1962, which has also been indicated in the impugned order and as such, sought to withdraw this writ petition and he has also made an endorsement to that effect.

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2.Recording the aforesaid submission and endorsement made, this writ petition is dismissed as withdrawn, with liberty to the petitioner to pursue the alternative remedy by way of statutory appeal. It is made clear that for the purpose of computation of limitation for filing such appeal, the petitioner is entitled to exclude the period of two days, ie. 04.10.2017 and 05.10.2017, from the date of filing of this writ petition to the date of disposal of the same. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

The Joint Commissioner,
O/o the Commissioner of Central GST and Central Excise,
Central Revenue Buildings, Lal Bahadur Sashtri Road,
Bibikulam, Madurai - 625 002.

+1cc to M/S. S.GURUMOORTHY, Advocate, SR.No.81734.

W.P(MD)No.18509 of 2017
05.10.2017

dsk/sss
SDS/SV:MMS/SAR 2/05.10.2017/2P/3C

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