

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.2422 of 2018  
and W.M.P.No.2933 of 2018

M/s.K.Padmanaban Logistics Pvt. Ltd.,  
represented by its Director P.Vaithisubramanian,  
No.37-A, VOC Street,  
Meenambakkam, Chennai - 600 027. .. Petitioner

Vs.

The Commissioner of Customs (Chennai -VIII),  
Customs House, No.60, Rajaji Salai,  
Chennai - 600 001. .. Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the respondent culminating in the Order-in-Original No.60545/2017 dated 13.12.2017 passed from File No.R.328/CHA and quash the same.

For Petitioner : Mr.S.Murugappan

For Respondent : Mr.K.S.Ramaswamy, Standing Counsel

O R D E R

Since the petitioner has got Appeal remedy before the CESTAT, the learned counsel appearing for the petitioner sought the permission of this Court to withdraw the Writ petition with liberty to file an Appeal before the CESTAT. Further, the learned counsel submitted that the CESTAT may be directed to pass orders on the stay petition to be filed by the petitioner within a time frame, for which the learned Standing Counsel appearing for the respondent has no objection and also made an endorsement to that effect.

2.In view of the same, the writ petition stands dismissed as withdrawn. The petitioner shall file an Appeal as against the impugned order dated 13.12.2017 within one week from the date of receipt of a copy of this order. In the event of the petitioner filing a stay petition before the CESTAT, the CESTAT shall

decide the stay petition on merits and in accordance with law within two weeks from the date of filing of the application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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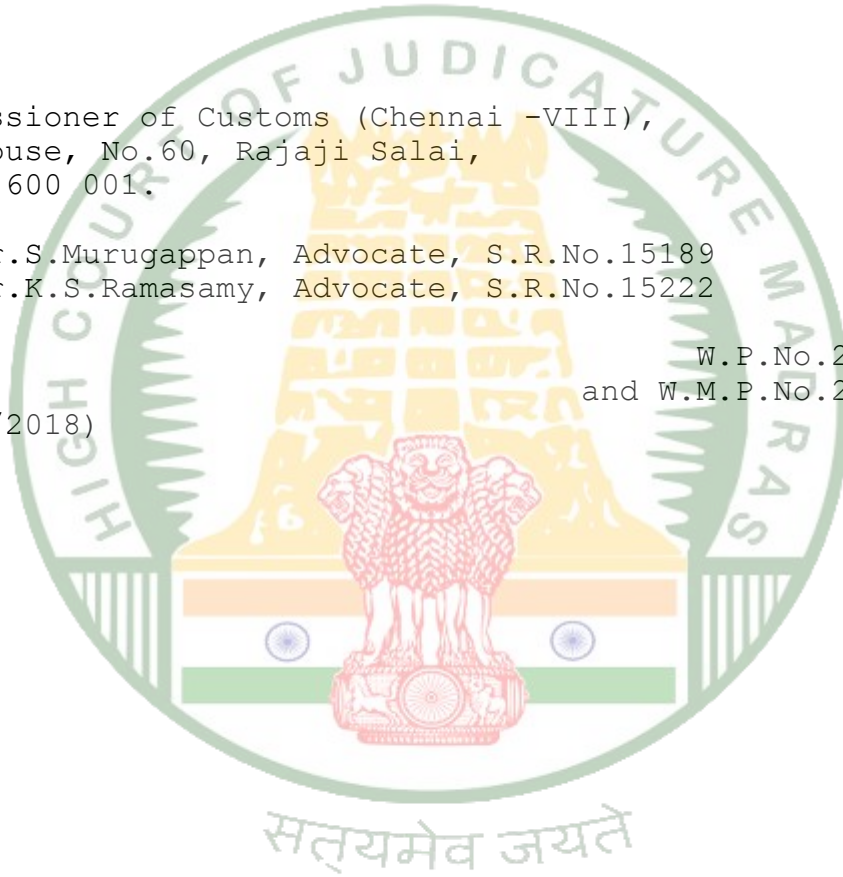
The Commissioner of Customs (Chennai -VIII),  
Customs House, No.60, Rajaji Salai,  
Chennai - 600 001.

+1cc to Mr.S.Murugappan, Advocate, S.R.No.15189

+1cc to Mr.K.S.Ramasamy, Advocate, S.R.No.15222

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RRK(01/03/2018)



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