

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.26045 of 2008 &

M.P.No.1 of 2008

M.M.Travels

Represented by Proprietor A.T.Mahalingam

3/2, Reynolds Road

Cantonment, Trichy.

.. Petitioner

Versus

1. Customs, Excise and
Service Tax Appellate Tribunal,
Shastri Bahavan Annexe I Floor,
No.26, Haddow's Road, Chennai-6

2. Commissioner of Customs
and Central Excise (appeals),
No.1, Williams Road, Cantonment
Tiruchirapalli-620 001.

3. Assistant Commissioner of Central Excise,
Central Excise I Division,
No.1, Williams Road, Cantonment,
Tiruchirapalli - 620 001.

.. Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in Final Order No.1087/2008 and stay Order No. 876/2008 dated 29.09.2008 in appeal No.S/175/2008 on the file of the first respondent and quash the same and condoning the delay of 607 days in filing of appeal with the second respondent and to direct the first respondent to hear the appeal on merits without insisting any pre deposit of the service tax amount.

For Petitioner

:Mr.T.Ramesh (No Appearance)

For Respondent -1

:Tribunal

For Respondent 2 & 3

:Mrs.R.Hema Latha

ORDER

When the matter came up on 05.07.2018, Mr.T.Ramesh, who is the counsel on record would submit that he is no more representing for the petitioner as Miss Nisha Bineesh has gone to her native place and shifted her practice from madras and handed over the bundle to the petitioner. He would further submit that he has also given change of vakalat to the party in this regard. Therefore, the Registry was directed to print the name of the petitioner in the cause list, and the matter was directed to be posted on 09.07.2018. On 09.07.2018, when the matter came up for hearing, the Registry was directed to verify whether any fresh vakalat has been filed on behalf of the petitioner and if not print the name of the petitioner in the cause list and post the matter on 10.07.2018 under the caption 'for dismissal'. Even today, when the matter is called there is no representation for the petitioner. Hence, the writ petition is dismissed for non-prosecution. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

smn

To

1. Customs, Excise and
Service Tax Appellate Tribunal,
Shastri Bahavan Annexe I Floor,
No.26, Haddow's Road, Chennai-6
2. Commissioner of Customs
and Central Excise (appeals),
No.1, Williams Road, Cantonment
Tiruchirapalli-620 001.
3. Assistant Commissioner of Central Excise,
Central Excise I Division,
No.1, Williams Road, Cantonment,
Tiruchirapalli - 620 001.

+1cc to Mr.R.Hemalatha, Advocate, S.R.No.45022

W.P. No.26045 of 2008 &
M.P.No. 1 of 2008

KS(CO)
GSP(11/10/2018)