

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5943 of 2019

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Kirloskar Brothers Ltd. KCI Plaza, 1st Floor, 23C, Ashutosh Chowdhary Avenue, Kolkata-700019 Through Manager Corporate Affairs and Accounts Sri Jayanta Chakrabarty, Male, Aged about 45 years R/o Rohara, Uttar Para (East) Khardana Kolkata-700118 West Bengal.

... .. Petitioner/s

Versus

1. The Commissioner of Central GST and Central Excise, Patna-1 3rd Floor, C.R. Building (Annexe), Birchand Ptatel Path, Patna-800001
2. The Customs, Excise and Service Tax Appellate Tribunal, Kolkata 169, Acharya Jagadish Chandra Bose Road, Madhusudhan Market, Mullick Bazar, Beniapukur, Kolkata, West Bengal 700014

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sriram Krishna, Advocate
For the Respondent/s : Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 29-11-2019 The petitioner prayed for the following reliefs:

“a. For issuance of a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents herein to grant the Petitioner a Personal Hearing with respect to the pending adjudication before Respondent No.1 within a reasonable time in the light of the order dated 1st May, 2014 passed by the Respondent No.2 herein;

b. For issuance of a Writ of Mandamus or any other appropriate Writ, Order or Direction directing



the respondents herein to pass a reasoned Order within the time limit as may be prescribed by this Hon'ble Court from the date of Personal Hearing granted to the Petitioner by Respondent No.1 and to communicate properly the status of the pending adjudication and to serve properly the reasoned Order passed in the matter; and

c. For any other relief/reliefs to which the petitioner may be found entitled under the facts and circumstances of the present case.”

From the response, it reveals that the appropriate authority has passed the order on 24.08.2018.

The petitioner has placed on record the certificate issued by the Postal Authorities indicating that the order purportedly sent through Speed Post was not delivered on account of incomplete address.

As such, considering the matter in its entirety and taking the lenient view, we allow the petitioner, as prayed for through learned counsel, to initiate appropriate proceedings in accordance with law before the Appellate Authority within a period of two weeks from today.

In the attending facts and circumstances, the question of limitation shall not come in the way of the petitioner in



approaching the Tribunal.

The writ petition stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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