

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6390 of 2012

and

M.P.No.2 of 2012

T.Krishnamurthy,
Contractor,
No.370A, Type-II Quarters,
Block-29,
Neyveli-7,
Cuddalore District.

... Petitioner

Vs

1. The Assistant Registrar,
Customs and Excise Services Tax (Appellate Tribunals)
South Zonal Bench,
Sastri Bhavan Annexe,
First Floor, No.26, Haddows Road,
Chennai-600 006.
2. The Commissioner of Central Excise (Appeals)
Department of Central Excise,
Government of India,
No.26/1, Mahatma Gandhi Road,
Nungambakkam,
Chennai-600 034.
3. The Additional Commissioner of Central Excise
No.1 Goubert Avenue (Beach Road)
Puduchery- 605 001.
4. The Assistant Commissioner of Central Excise
Department of Central Excise,
Government of India,
No.1, Vallalar Nagar, Manjukuppam,
Cuddalore-607 001.
5. The Chief General Manager (Finance)
Corporate Office,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the order dated 16.12.2011 in Appeal No.197 of 2011 (PST) on the file of the second respondent herein, order in Original No.29/2010 ST dated 18.01.2010 in C.No.V/ST/15/242/2008-ST.Adj of the third respondent and the Notice of demand dated 27.09.2011 in C.No.IV/16/STC/128/2011 of the fourth respondent, and quash the same.

For Petitioner : Mr.AL.Ganthimathi

For R1 : Mr.V.Sundareswaran
Senior Standing Counsel

For R2 to R4 : Mr.N.Nithianandam

ORDER

The order impugned in the present writ petition was earlier subjected to various appeals and ultimately it is now pending before the CESTAT, Chennai, in Appeal No.ST/71/12. While that be so, it would not be appropriate to this Court to simultaneously adjudicate the issue raised before the CESTAT also. On the other hand, if a direction is given to the CESTAT, Chennai, to dispose of the appeal within the stipulated time, the ends of justice would be secured.

2.In the light of the above, this writ petition is disposed of with a direction to the CESTAT, Chennai, to dispose of the petitioner's appeal in Appeal No.ST/71/12, on its own merits and in accordance with law as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pnn

To

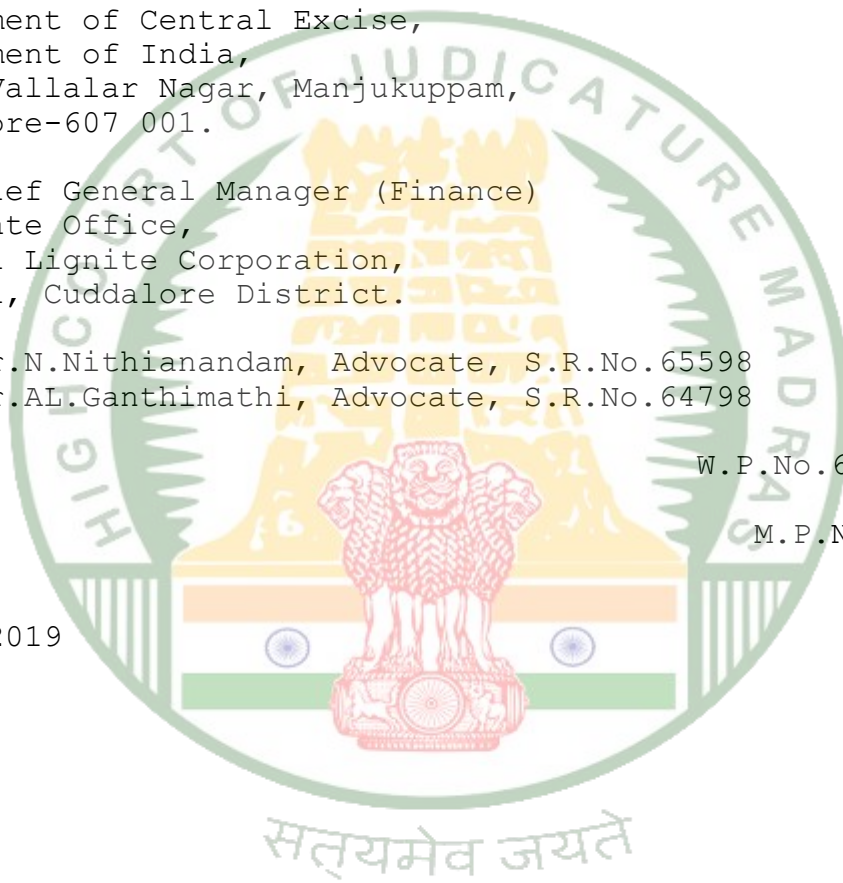
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5. The Chief General Manager (Finance)
Corporate Office,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District.

+1cc to Mr.N.Nithianandam, Advocate, S.R.No.65598
+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.64798

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and
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BS (CO)
CS/17/09/2019



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