

W.M.P.No.10514 of 2019
in W.P.No.18727 of 2008

T.S.SIVAGNANAM, J.

This writ miscellaneous petition has been filed to modify the order and direction in Writ Petition No.18727 of 2008, dated 03.12.2014.

2.The learned counsel for the petitioner submitted that this Court had directed the period from the date of filing the writ petition, i.e., on 04.08.2008 till the date of passing of the order, i.e., 03.12.2014 be excluded while computing the limitation while filing appeal before the CESTAT.

3.It appears that the CESTAT while entertaining the appeal complied with the order passed by this Court and condoned the delay, but with regard to the delay which occasioned before the Commissioner (Appeals) in the first appeal, the Tribunal has now rejected the appeal petition.

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4.It is the submission of the learned counsel for the petitioner that the Tribunal has misunderstood the scope of the order and direction issued by this Court in the writ petition.

T.S.Sivagnanam, J.

(abr)

5.In any even, the order passed in the writ petition has worked itself out. Therefore, if the petitioner is aggrieved, should necessarily question the order passed by the Tribunal in the manner known to law.

6.With the above observation, this petition is closed. No costs.

abr

26.04.2019

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