

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.7013 of 2016

& WMP Nos.6224 and 8689 of 2016

J.P.P. Mills P. Ltd.,
SF. No.412, Sankari Main Road,
Patharai, Pallipalayam Agraharam,
Erode 638 008.

...Petitioner

Vs

Joint Commissioner,
Office of the Commissioner of Central Excise,
1, Foulkes compound, Anai Medu,
Salem 636 991.

... Respondent

Prayer: PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari calling for the records pertaining to the order of the respondent bearing order-in-original No.26/2015-ST(JC) dt:10-09-2015 and quashing the same.

For Petitioner : Mr.P.R.Renganath
For Respondent : Mr.V.Sundareswaran,
Senior Panel Counsel

O R D E R

The challenge in this Writ Petition is to the Order-in-Original dated 10.09.2015 passed by the first respondent herein.

Learned counsel for the petitioner circulates a copy of the order passed by a learned single Judge in the case of PKP Spinning Mills (P) Ltd. V. The Joint Commissioner (W.P.No.1532 of 2016 dated 14.08.2018), wherein the petitioner in that case who had challenged an identical Order-in-original was permitted to file an appeal challenging the same within a period of four weeks from date of receipt of a copy of the order. He requests that the same order be passed in the present case as well.

2. Mr.V.Sundareswaran, learned Standing Counsel for the respondent, as expected, has no objection to the request made.

3. Accordingly, this Writ Petition is dismissed though granting liberty to the petitioner to file an appeal challenging the Order-in-original dated 10.09.2015 before the first Appellate Authority in accordance with law, within a period of four (4) weeks from today.

4. Let the first Appellate Authority consider the appeal, if filed by the petitioner within the stipulated time, and dispose the same as expeditiously as possible. Seeing as the impugned Order-in-original is of the year 2015, in any event, let such disposal be within a period of four (4) months from today. Till such time, coercive measures shall not be initiated against the petitioner.

5. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

Joint Commissioner,
Office of the Commissioner of Central Excise,
1, Foulkes compound, Anai Medu,
Salem 636 991.

+1cc to Mr.R.Raghavan, Advocate sr.90143
+1cc to Mr.V.Sundareswaran, Advocate sr.90144

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bp(co)
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