



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.04.2019

CORAM:

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

W.A. (MD) Nos.19 and 22 of 2019

and

C.M.P. (MD) Nos.101 and 109 of 2019

R.Selvaraj ... Appellant in W.A.(MD)No.19 of 2019

M/s.Thilagarathinam Match Works,
Represented by its Proprietor
K.Thangaraj

... Appellant in W.A.(MD)No.22 of 2019

/Vs./

1.The Commissioner of Central Excise,
Central Revenue Buildings,
Bibikulam, Madurai - 625 002.

2.The Superintendent of Central Excise,
(Adjudication),
Central Revenue Buildings,
Bibikulam, Madurai - 625 002.

...Respondents in both the Writ Appeals

COMMON Prayer: Writ Appeals are filed against the order dated 11.09.2018 made in W.P.(MD)Nos.10482 and 9366 of 2018 respectively.

Prayer in WP(MD)No.10482/2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in his order file numbers. V/36/15/21/2011-Adjn Vol-II(Tirunelveli) dated 28.03.2018 sent on 11.04.2018 and quash the same and to direct the respondents to afford an opportunity to cross examine the witnesses and thereafter afford an opportunity of personal hearing for the show cause notice No.58/2010 dated 12.11.2010.

Prayer in WP(MD)No.9366/2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in his order No.V/36/15/21/2011-Adjn Vol-II(Tirunelveli) dated 28.03.2018 sent on 11.04.2018 and quash the same and to direct the respondents to afford an



opportunity to cross examine the witnesses and thereafter afford an opportunity of personal hearing for the show cause notice No.58/2010 dated 12.11.2010 in so far as the petitioner is concerned.

For Appellant in
both writ appeals : Mr.M.Md.Ibrahim Ali

For Respondents in
both writ appeals : Mr.R.Aravindan

COMMON ORDER

Heard Mr.M.Md.Ibrahim Ali, learned counsel appearing for the appellant and Mr.R.Aravindan, learned standing counsel for the respondents.

2.These writ appeals have been preferred assailing the common order dated 11.09.2018 passed by the learned single of this Court in W.P.(MD)Nos. 10482 and 9366 of 2018.

3.It is seen that the very same order was challenged in W.A.(MD)No.1538 of 2018 and this Court disposed of the said appeal on 02.11.2018 by observing as follows:-

"3.When the impugned order directing the first respondent to scrupulously follow the direction given by this Court was passed on 29.01.2013 in W.P.(MD)Nos.1106 to 1108 of 2013 and those persons, whose statements/documents/reports are relied upon will also be made available for cross examination, the apprehension made by the appellant that the personal hearing will be proceeded without allowing the appellant to cross examine the available witnesses is wholly unwarranted. We also emphasise that the observations made by the learned single Judge that the petitioner shall be given all opportunities to even cross examine all witnesses will also take care of the apprehension of the petitioner, after providing sufficient opportunity to the petitioner, the first respondent to pass appropriate orders on merits and in accordance with law, as mentioned above."

4.Accordingly, these writ appeals are also disposed of in the above terms and conditions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //



To

1.The Commissioner of Central Excise,
Central Revenue Buildings,
Bibikulam, Madurai - 625 002.

2.The Superintendent of Central Excise,
(Adjudication),
Central Revenue Buildings,
Bibikulam, Madurai- 625 002.

+2 CC to M/s.MOHAMED IBRAHIM ALI, Advocate in SR-59796,59797

W.A. (MD) Nos.19 and 22 of 2019
08.04.2019

raj2
PK/25.04.2019 : 3P/5C