



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P(MD) .No.18492 of 2018
and WMP(MD)Nos.16396 and 16397 of 2018

M/s.SRF Limited,
Represented by its
Authorised Signatory,
Sri Sankar

...Petitioner

Vs.

1.Union of India,
Through its Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New delhi - 110001.

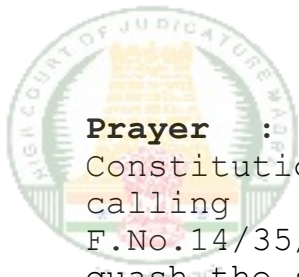
2.The Additional Secretary and
The Designated Authority,
Directorate General of Trade Remedies,
Ministry of Commerce and Industry
Department of Commerce
4th floor, Jeeven Tara Building,
Parliament Street,
New Delhi 110001.

3.Union of India,
through the Secretary,
Ministry of Commerce and Industry,
Udyog Bhavan,
New Delhi - 110 001.

4.Central Board of Indirect Taxes and Customs
through Chairman
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi - 110 001.

5.M/s. All India Rubber Industries Association,
Rep. by its Deputy Secretary General,
Ramasamy Gopalan

... Respondents



Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarifid Mandamus calling for records of the impugned Final Finding F.No.14/35/2016/DGAD dated 30.06.2018 issued by respondent No.2 and quash the saeme.

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For Petitioner	: Mr.Veera Kathiravan Senior Counsel For Mr.Y.Prakash
For R1 to R3	: Mr.V.Kathirvel Additional Solicitor General of India Assisted by Mrs.S.Ragaventhree Central Govt. Standing Counsel
For R4	: Mr.R.Aravindhan Central Govt. Standing counsel
For R5	: Mr.T.S.Venkataramana Assisted by Mr.T.Sundar Ramanathan Mr.Darpan Bhuyan Mr.Prithiviraj

O R D E R

Learned counsels concur on the position that the impugned order dated 30.06.2018 issued by the Designated Authority, the Directorate General of Trade Remedies is appealable before the Customs, Excise and Service Tax Appellate Tribunal (in short 'CESTAT') in terms of Section 9(C) of the Customs Tariff Act, 1975.

2.This position is supported by two decisions of the High Courts, one of the Delhi Court in *Jindal Poly Film Ltd., Vs. Designated Authority* (2018 (362) E.L.T 994 Del.) and the second, of the Bombay High Court in *Bombay Dyeing & Manufacturing Co. Ltd., Vs. Union of India and others* (W.P.No.5800 of 2018).

3. In the light of the above, the petitioner is permitted to withdraw this writ petition, as requested by it, and granted liberty to approach the CESTAT within a period of four weeks from today. Such appeal, if filed within aforesaid period of four weeks, will be received by the Registry of the CESTAT without reference to limitation and listed before the Tribunal for expeditious disposal.

4. In fine, this writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/



To,

1. Secretary, Union of India, Department of Revenue,
Ministry of Finance, North Block, New Delhi - 110001.

2. The Additional Secretary and The Designated Authority,
Directorate General of Trade Remedies, Ministry of Commerce and
Industry
Department of Commerce 4th floor, Jeeven Tara Building, Parliament
Street, New Delhi 110001.

3. The Secretary, Union of India, through
Ministry of Commerce and Industry, Udyog Bhavan,
New Delhi - 110 001.

4. Central Board of Indirect Taxes and Customs
through Chairman Ministry of Finance,
Department of Revenue, North Block, New Delhi - 110 001.

COPY TO:

THE SECTION OFFICER,

E.R. SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

(2 COPIES)

(Note: Return the original order impugned in this
writ petition to enable filing of statutory
appeal.)

+1 CC to M/s.Y.PRAKASH, Advocate (SR-80198[F] dated 07/08/2019)

+1 CC to M/s.R.ARAVINDAN, Advocate (SR-80424[F] dated 07/08/2019)

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-80461[F] dated
07/08/2019)

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JM/08.08.2019/3P/10C