

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.14876 OF 2019

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of Mandamus declaring the action of 1st respondent in not disposing the appeal bearing A.No.05/2019CUS(B-City) against the order in original No.78/2018 dated 28-12-2018 passed by the 3rd Respondent as illegal and arbitrary and direct the 1st Respondent to pass order for release of the goods covered by the appeal for home consumption on in the case of other similar consignments released by the respondents and to pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

2. Though the matter was adjourned twice to enable Sri B.Narasimha Sarma, learned counsel appearing for the respondent authorities, to get instructions in the matter, he again seeks time today.

3. We are not inclined to grant any further time given the fact that the petitioner only seeks disposal of his appeal which is pending before the Commissioner of Customs (Appeals), Bengaluru, the first respondent herein.

4. In so far as the delay in disposal of the appeal is concerned, Sri B.Narasimha Sarma, learned counsel, would inform this Court that the officer who heard the arguments in the appeal was transferred and the new officer will assume charge only in a week. If that be so, the new officer would have to give priority to the petitioner's appeal as it is kept pending even after conclusion of the arguments.

5. The writ petition is accordingly disposed of directing the first respondent - appellate authority to give priority to the petitioner's appeal, afford it an opportunity of personal hearing and dispose of the said appeal expeditiously and in any event, not later than three weeks from today. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date:31.07.2019

GJ/PGS

P.KESHAVA RAO,J

