Serial No.02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 367 of 2020 Date of Order: 14.12.2020

M/S Sriram Fasteners **Vs.** The Commissioner of Central Excise and CGST & Anr.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. N. Dasgupta, Adv.

For the Respondent(s) : Dr. N. Mozika, Sr. Adv. with
Mr. M. L. Nongpiur, Adv.

1. Heard learned counsel appearing for the respective parties.

2. The petitioner has approached this Court invoking jurisdiction under Article 226 of the Constitution of India, challenging the order passed by the Appellate Authority i.e. Commissioner, (Appeals).

3. Admittedly, second appeal lies to the Tribunal-CESTAT against the order impugned in the writ petition. However, it is specific stand of the petitioner that Division Bench of the Tribunal-CESTAT is not available and, therefore, he has approached this Court.

4. Dr. N. Mozika, learned Sr. Counsel placed on record the communication dated 09-12-2020 by Assistant Commissioner, (A.R)/Admn, CESTAT, EZB, Kolkata to the Commissioner, CGST, Shillong. Under the said communication it is informed that the absence of the regular Technical Member does not bar any appellant to file appeal before the Hon'ble CESTAT irrespective of the nature of the issues involved. Communication further discloses that in case of urgency, any appellant / respondent can approach the Registry for out of turn hearing as per new guidelines laid in

Public Notice No.1 of 2020 dated 30.06.2020 of the CESTAT. The communication is taken on record.

5. In the light of the Communication, it is clear that petitioner can approached the Registry of the Tribunal for urgent hearing of his appeal.

6. Faced with this situation, Mr. N. Dasgupta, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to approach the Tribunal. Leave with liberty as prayed for, is granted. Petition disposed of.

7. It is made clear that, I have not gone into the merits of the matter and all points and contentions of the parties are expressly kept open.

Judge

Meghalaya
14.12.2020
"Biswarup PS"