

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.23308 of 2013

and

M.P.No.1 of 2013

M/s.Vinoth Shipping Services
No.2/91-1, Tiruchendur Road
Tuticorin 628 001

Rep. by its Partner, S.Sudhakaran

... Petitioner

Vs.

1.The Customs, Excise and Service Tax
Appellate Tribunal
South Zonal Bench
Shastri Bhawan
No.26, Haddows Road
Chennai 600 006

2.The Commissioner of Central Excise
Central Revenue Building
Tractor Road
NGO 'A' Colony
Tirunelveli 627 007

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to call for the records relating to the order of the 1st respondent Tribunal in MISC ORDER No.41734/2013 dated 03.07.2013 and quash the same.

For Petitioner : M/s.AL.Ganthimathi

For Respondents : Mr.B.Rabu Mahohar

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ORDER

Challenging the order passed by the 1st respondent Tribunal in MISC ORDER No.41734/2013 dated 03.07.2013, the petitioner has come up with this writ petition. By the impugned order, the Tribunal has dismissed the petition filed by the petitioner seeking stay of the order-in-original dated 14.08.2012 passed by

the 2nd respondent, demanding service tax with interest and penalty and for waiver of the pre-deposit pending disposal of the Appeal.

2.On 22.08.2013, when the matter was taken up for admission, this Court has granted an interim order retraining the first respondent from dismissing the appeal preferred by the petitioner.

3.Today, when the matter is called, the learned counsel for the petitioner submitted that it would suffice if a direction is given to the 1st respondent Tribunal to dispose of the Appeal filed by the petitioner as against the order-in-original dated 14.08.2012 passed by the second respondent, within a time frame to be stipulated by this Court.

4.The learned counsel for the respondents has no objection for granting such relief to the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, this Court directs the 1st respondent to dispose of the appeal filed by the petitioner, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6.This writ petition stands disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(AD I)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Customs, Excise and Service Tax
Appellate Tribunal
South Zonal Bench
Shastri Bhawan
No.26, Haddows Road
Chennai 600 006

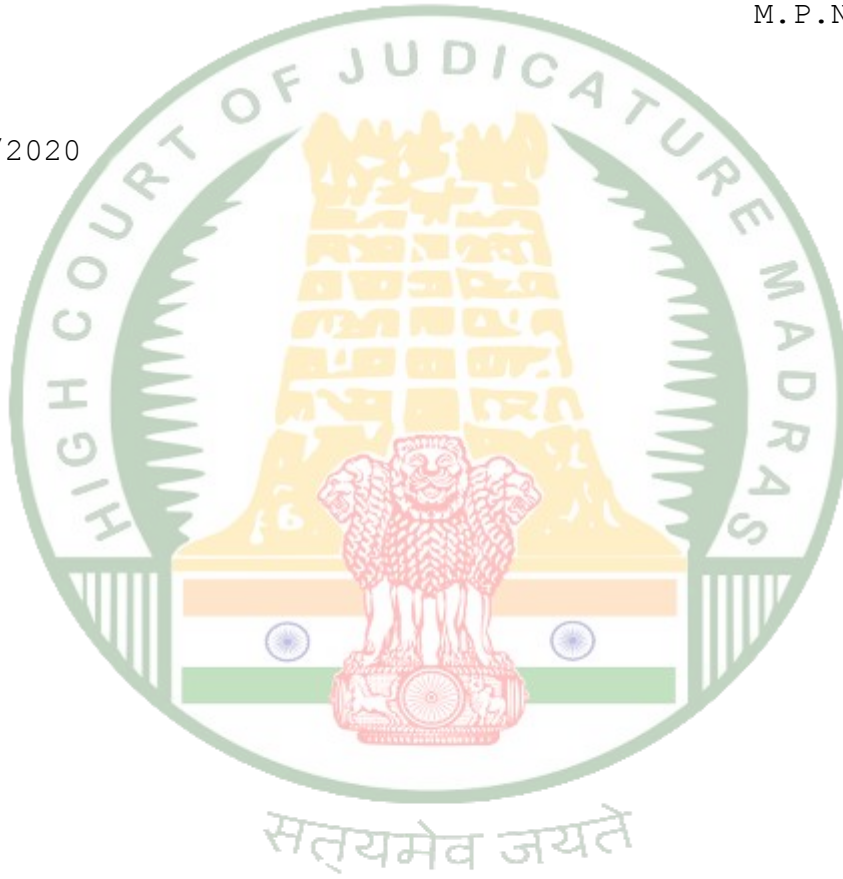
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2.The Commissioner of Central Excise
Central Revenue Building
Tractor Road
NGO 'A' Colony
Tirunelveli 627 007.

+1cc to Mr.N.Rabumanohar, Advocate, S.R.No.18033
+1cc to Mr.A.L.Ganthimathi, Advocate, S.R.No.18463

W.P.No.23308 of 2013
and
M.P.No.1 of 2013

SSD(CO)
KKV/17/06/2020



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