



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr.Justice P.RAJAMANICKAM

C.M.P. (MD)No.4941 of 2019
in
C.M.A. (MD)SR.No.20339 of 2019

THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN-628 004.

... PETITIONER/APPELLANT

Vs

M/S.SHADI RAM & SONS PVT.LTD.,
NO.19, SOUTH RAJA STREET,
TUTICORIN.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 264 days in the filing the CMA(MD) SR.No.20339 of 2019 and thus render justice.

PRAYER IN C.M.A. (MD)SR.No.20339 of 2019:

To consider the above appeal and set aside the impugned Final Order No.40673 of 2018 dated 16.03.2018 passed by the CESTAT.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.VIJAY KARTHIKEYAN, Advocate for the petitioner and of MR.N.VISWANATHAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

Heard the learned Counsel appearing for the petitioner/appellant.

2. The learned Counsel appearing for the petitioner/appellant has drawn the attention of this Court to paragraph No.7 of the affidavit filed in support of this petition and would submit that the delay had occurred due to the reasons assigned therein and hence, prays for condonation of the delay.



3. This petition is strongly opposed by the learned Counsel appearing for the respondent by submitting that there is no absolutely reasonable or tenable explanation for the delay of 264 days and prays for dismissal of this petition.

4. This Court, has considered the rival submissions and also perused the materials and is inclined to condone the delay by putting the petitioner/appellant on terms.

5. In result, this Civil Miscellaneous Petition is ordered and the petitioner/appellant is directed to pay a sum of Rs.5,000 (Rupees Five Thousand only) to "The Additional Registrar General i/c, [The Registrar (Judicial)], Madurai Bench of Madras High Court, Madurai" within a period of two weeks from today and shall file a memo to that effect through e-mail to the Registry.

6. The Registry, on receipt of such Memo, shall number the Civil Miscellaneous Appeal, if the papers are otherwise in order and list the same for admission and at the time of admission, print the name of Mr.N.Viswanathan, learned Counsel for the respondent.

sd/-

12/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, SOUTH ZONAL BENCH AT CHENNAI.

COPY TO:

THE ADDITIONAL REGISTRAR GENERAL I/C, [THE REGISTRAR (JUDICIAL)],
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CMP(MD) No.4941 of 2019

IN

CMA(MD) No.SR20339 of 2019

Date :12/08/2020

SSL

AE/VR/SAR-II (14.08.2020) 2P 3C

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