

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.410 of 2016

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Baidyanath Thakur, son of Late Ram Swaroop Thakur @ Ramu Thakur,
Resident of Mohalla- Sodagodawa, Ward no. 2, P.S.- Brahampura, District-
Muzaffarpur.

... .. Appellant/s

Versus

1. The Union Of India through the Secretary, Department of Customs, N.Delhi.
2. The Commissioner of Customs, Patna.
3. The Assistant Commissioner of Customs Preventive Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s : Mr.Anshuman Singh (Sr. SC Customs & GST)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-02-2021

Appellant has prayed for the following relief(s):-

“This misc. appeal is being filed for setting aside the order dated 10.09.2019 passed in Custom Appeal no. 181A/09 by the Vice President Custom Excise and Service Tax appellate Tribunal, East Regional Bench, Kolkatta arising out of Original No. 02-cus-ss-Muz-09 dated 12.02.2009 passed by the Commissioners of Custom, Patna whereby and whereunder the learned appellate Tribunal upheld the order dated 12.2.2009 passed by the respondent no. 2 by which personal penalty of Rs. 1 lac was imposed on the so-called ground of petitioners involvement in storage of prohibited customs goods (red Sunder wood) about 8090 Kg worth about 32,36,000/- under exclusive occupancy of shop by Aviral (notice no. 2)



under the rent agreement dated 20.6.2007.”

On 25.01.2021, we passed the following orders:-

“Despite repeated calls none has appeared on behalf of the appellant.

List on 01.02.2021 in the category ‘Order Matters’.”

Shri Anshuman Singh, learned counsel for the respondents, states that non-availability of the learned counsel for the appellant is on account of result of loss of interest by the appellant with the passage of time.

As such, we dispose of the present appeal reserving liberty to the appellant to revive the same, if the need so arises, or take recourse to such remedy as are otherwise available in accordance with law.

The appeal stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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