

RVWO No. 1 of 2021
IA No. GA 2 of 2021
with
CUSTA 4 of 2019
GA No. 133 of 2019
IN THE HIGH COURT AT CALCUTTA
In appeal from its
SPECIAL JURISDICTION (CUSTOMS)
CIVIL APPELLATE JURISDICTION

Commissioner of Customs (Airport and Administration)

Versus

M/s. N. L. Mullick & Co.

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice MD. NIZAMUDDIN

Date: 15th March 2021

Appearance:

Mr. B. P. Banerjee, Advocate
for the appellant

The Court: An affidavit of service is on record. None appears for the respondent.

The applicant Commissioner of Customs (Airport & Administration) seeks review and setting aside our order dated 8th July 2019.

It appears from the averments made that learned counsel appearing for the applicant/appellant had made submissions on erroneous instruction or misinterpretation of the records that the impugned order of the tribunal had been complied with it. Since the department had accepted the order as represented, the appeal was dismissed.

Now it appears that neither the department accepted the order of the tribunal nor tried to comply with it. Learned counsel acted with diligence and honestly but on wrong instructions.

We treat this as an error apparent on the face of the record.

For this reason we set aside our order dated 8th July 2019.

The appeal (CUSTA 4 of 2019) alongwith the stay application (GA No. 133 of 2019) are revived and restored to the original file.

The present application for review (RVWO 1 of 2021) is allowed.

The connected application (IA No. GA 2 of 2021) is disposed of accordingly.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

R. Bose