



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14088 of 2004

M/s.Victory Laminations Ltd.,
41-43, SIDCO Industrial Estate,
Gummidipoondi - 601 201.
Rep. By its Authorised Signatory,
T.Jayaraman

..Petitioner

Vs.

1.The Customs and Central Excise Settlement Commission,
Additional Bench, Narmada Block,
Customs House,
Rajaji Salai,
Chennai 1.

2.The Commissioner of Central Excise,
Chennai-II Commissionerate,
MHU Complex,
473, Anna Salai, Nandanam,
Chennai 600 035.

3.The Additional Director General,
Directorate General of Central Excise,
Intelligence Chennai Zonal Unit, 3C Wing,
2nd Floor, Rajaji Bhavan,
Besant Nagar, Chennai 90.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records comprised in Order No.15/2004-CE, dated 06.04.2004, on the file of the Customs and Central Excise Settlement Commission, Additional Bench, Chennai-1/first respondent and quash the same and consequently direct the first respondent to reconsider the application dated 14.07.2003 under Section 32-E of the Central Excise Act, 1944, made by the petitioner before the first respondent.



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For Petitioner : Mr.Muthu Venkataraman
for M/s.R.Karthikeyan

For Respondents : Mr.A.P.Srinivas,
Senior Panel Counsel

ORDER

The order passed by the Customs and Central Excise Settlement Commission Additional Bench, Chennai in proceedings dated 06.04.2004 is under challenge in the present Writ Petition.

2.The learned counsel appearing on behalf of the petitioner fairly made a submission that during the pendency of the Writ Petition, several developments occurred with reference to the issues raised in this Writ Petition and some of the decisions of the Courts are also in favour of the petitioner. Thus, the learned counsel appearing for the petitioner made submission that the petitioner may be granted opportunity to adjudicate all the issues before the adjudicating authority for the purpose of redressing his grievances.

3.The learned Senior Panel Counsel appearing on behalf of the respondents made a submission that with reference to such disputed facts and circumstances, the adjudicating authority has to go into the documents and take a decision. In this view of the matter, the petitioner is at liberty to approach the adjudicating authority by filing an appropriate reply in the prescribed format, complying with the requirements within a period of four weeks from the date of receipt of a copy of this order and in the event of filing any such reply to the adjudicating authority and on receipt of any such reply, the adjudicating authority shall consider the same on merits, in accordance with law, take a decision and pass orders as expeditiously as possible.

4.With these directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gsa



To

1.The Customs and Central Excise Settlement Commission,
Additional Bench, Narmada Block,
Customs House,
Rajaji Salai,
Chennai 1.

2.The Commissioner of Central Excise,
Chennai-II Commissionerate,
MHU Complex,
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3.The Additional Director General,
Directorate General of Central Excise,
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2nd Floor, Rajaji Bhavan,
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+1cc to Mr.A.P.Srinivas, Advocate SR.No.28382

W.P.No.14088 of 2004

RLD(CO)
GMY(15/07/2021)