

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.9536 of 2016
and
W.M.P.Nos.8566 & 8567 of 2016

(Through Video Conferencing)

M/s.Nathan Civil Engineers & Painting Contractors,
Represented by A.U.Balasubramanian, Proprietor,
1st Floor, No.151-MIG, New ASTC Hudco,
Near Ramar Koil, Hosur - 635 109. Petitioner

Vs.

The Commissioner of Central Excise,
Chennai III Commissionerate,
26/1, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034. Respondent

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-in-Original No.15/2015(ST) dated 19.11.2015 on the file of the respondent and quashing the same and consequently direct the respondent to pass an appropriate order by following the principles of natural justice.

For Petitioner : M/s.Naveena D
For Respondent : Mr.A.P.Srinivas
Senior Standing Counsel

O R D E R

In this writ petition, the petitioner has challenged the impugned Order-in-Original No.15/2015 (ST) dated 19.11.2015 passed by the respondent Commissioner of Central Excise, Chennai III Commissionerate. The impugned order has been challenged primarily on the ground that no opportunity of personal hearing was given to the petitioner before the impugned order was passed.

2. Mr.A.P.Srinivas, the learned Senior Standing Counsel appearing for the respondent submits that he has received an instruction dated 27.09.2016 from the respondent office stating that the department is willing to re-hear the matter afresh after giving an opportunity of personal hearing to the petitioner. He has filed a copy of the instruction letter to that effect.

3. Recording the same, the impugned Order-in-Original No.15/2015 (ST) dated 19.11.2015 stands set aside and this case is remitted back to the respondent to pass a fresh order after giving an opportunity of personal hearing to the petitioner.

4. Since the dispute pertains to the years 2009 to 2014, the respondent Commissioner of Central Excise is requested to dispose the proceedings within a period of three months from the date of receipt of a copy of this order.

5. The petitioner is directed to file his reply and co-operate with the respondent in the proceeding.

6. Accordingly, this Writ Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Commissioner of Central Excise,
Chennai III Commissionerate,
26/1, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

+1 CC to Mr.A.P.Srinivas, Advocate sr 273.
+1 CC to Mr.S. Durairaj, Advocate sr 479.

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LN(CO)
SP(27/01/2021)