



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.26465 of 2021

(Through Video Conferencing)

Monesh B.Hinduja,
Proprietor of Karta Exim',
1-C, Chesney Nilagiri,
No.41, Commander-in-Chief Road,
Chennai - 600 008.

... Petitioner

Vs.

The Commissioner (Appeals),
Custom House,
60, Rajaji Salai,
Chennai - 600 001.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondent to number the Appeal filed by the petitioner on 29.06.2021 before the respondent under Section 128 of the Customs Act, 1962 and to dispose the said appeal within a stipulated time.

For Petitioner : Mr.S.R.Raghunathan

For Respondent : Mr.H.Siddarth,
Junior Standing Counsel

O R D E R

Heard S.R.Raghunathan, the learned counsel for the petitioner and Mr.H.Siddarth, the learned Junior Standing Counsel for the respondent.

2. The learned counsel for the petitioner submits that the petitioner has earlier filed W.P.No.12438 of 2021 which came to be dismissed by this Court vide order dated 07.06.2021 by giving liberty to the petitioner to file an appeal before the respondent Commissioner of Customs (Appeals).

3. The learned counsel for the petitioner further submits that thereafter, the petitioner filed an appeal before the respondent, i.e. Commissioner of Customs (Appeals) on 29.06.2021 against the order dated 26.03.2021 bearing reference P.No.S.Misc.2/233/2016-DBK. However, the respondent



has neither numbered the appeal filed by the petitioner nor taken up for final disposal and therefore, this Writ Petition has been filed. He also submits that the petitioner has fairly a good case on merits and therefore prays for a direction to the respondent to decide the issue as it pertains to the denial of export incentives in the form of the duty drawback.

4. Appearing on behalf of the respondent, the learned Junior Standing Counsel, on instructions, submits that the appeal filed by the petitioner on 29.06.2021 against the order dated 26.03.2021 bearing reference F.No.S.Misc.2/233/2016-DBK has been numbered on 29.06.2021 itself vide C-48/II/472/4/2021-C. The learned Junior Standing Counsel for the respondent further submits that appeals filed during February, 2020 are being currently taken up for final hearing and therefore, the respondent would require further for fixing the date for a personal hearing as and when the petitioner's turn comes.

5. The submission of the learned Junior Standing Counsel for the respondent stands recorded. The respondent is therefore requested to fix a date for personal hearing in the petitioner's case preferably, within a period of six months from the date of receipt of a copy of this order and shall endeavour to pass a final order, within a period of one month thereafter.

6. This Writ Petition stands disposed with the above observations. No cost.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb / jen

To

The Commissioner (Appeals),
Custom House,
60, Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.S.R.Raghunathan, Advocate SR. No.66833

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