



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.995 of 2021

and

W.M.P. (MD)No.865 of 2021

WEB COPY

M/s.Prabhu Shipping Systems,
a Partnership Firm,
Rep. by its Partner A.Prabhu,
Customs Broker No.AARFP7552PCH001,
No.2/5A, First Street, Sivanthakulam,
Tuticorin-628 003.

... Petitioner

Vs

1.Under Secretary to the Government of India,
Ministry of Finance,
Department of Revenue,
Room No.51-II, North Block,
New Delhi-110001.

2.The Registrar,
Customs, Excise and Service Tax,
Appellate Tribunal,
South Zone Bench,
Sastri Bhavan Annexe Building,
No.26, First Floor, Haddows Road,
Chennai-600 006.

3.The Commissioner of Customs,
Customs House,
New Harbour Estate,
Tuticorin-628 004.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the transfer of the statutory appeal preferred by the petitioner in Diary No.406482020, dated 29.10.2020 preferred as against the order dated 25.09.2020 in Original Number TUT-CUSTOM-PRV-COM-004/2020-21 on the file of the third respondent now pending before the second respondent to any other Regional Bench preferably at Bangalore or any other place .

For Petitioner	: Ms.P.Jessi Jeeva Priya
For R1	: Mr.S.Jeyasingh Standing Counsel

For R2 & R3	: Ms.S.Ragavendhre Central Government Standing counsel
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ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

2.The petitioner had suffered the petition mentioned adverse order dated 25.09.2020 at the hands of the third respondent. Questioning the same, the petitioner has filed an appeal before the second respondent. The grievance of the petitioner is that the appeal is not being taken up. That necessitated filing of the present writ petition.

3.Today, when the matter was taken up for hearing, the learned Standing Counsel produced a copy of the communication dated 16.02.2021 from the Assistant Registrar (CESTAT), Chennai. It is mentioned therein that the Bench sitting was held on 12.02.2021 and 19.02.2021. It is further stated that the matters are being heard by video conferencing pursuant to the request made by the party concerned.

4.The learned counsel for the petitioner states that the petitioner is ready to get along with the case through video conferencing. In fact, the petitioner's counsel would state that a letter to this effect was already sent on 18.02.2021. But then, the case could not be listed on 19.02.2021.

5.Therefore, the second respondent is directed to list the petitioner's appeal along with the stay application before the Hon'ble Division Bench in its next sitting. I hope that such a sitting will take place before the end of this month. Since the petitioner could not pray for an interim stay of the order, that is the subject matter of the appeal, for reasons beyond their control, the petition mentioned order dated 25.09.2020 passed by the third respondent will stand stayed till the Hon'ble Division Bench (CESTAT), Chennai, takes up and disposes of the petitioner's stay application. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

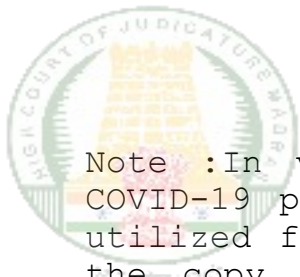
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.Under Secretary to the Government of India,
Ministry of Finance,
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Room No.51-II, North Block,
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2.The Registrar,
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3.The Commissioner of Customs,
Customs House,
New Harbour Estate,
Tuticorin-628 004.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-6499[F]
dated 22/02/2021)

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-
6828[F] dated 24/02/2021)

W.P. (MD) No.995 of 2021
22.02.2021

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SV2 (CO)

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