



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand and Twenty One

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PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

WMP (MD) No.9503 of 2021
IN
WP (MD) SR.No.90139 of 2018

VEJILETCHUMI ARUMUGAM

... PETITIONER/PETITIONER

Vs

1. THE COMMISSIONER OF GST,
SERVICE TAX AND CENTRAL EXCISE (APPEALS),
CIRCUIT OFFICE, TRICHY, NO.1, WILLIAMS ROAD,
CANTONMENT, TRICHY-01

2. THE JOINT COMMISSIONER,
O/O. THE COMMISSIONER OF CUSTOMS,
NO.1, WILLIAMS ROAD, CANTONMENT,
TRICHY-01.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 555 days in representing this WP(MD).SR 90139/2018.

PRAYER IN WP(MD)SR.No.90139 of 2018 :

To call for the records on the files of the 2nd respondent pertaining to its order in C.No.VIII/10/60/2015 Cus Adj dated 16.07.2015 and the subsequent orders bearing A.No. C24/44/2017-TRY (CUS) dated 28.02.2018 passed by the 1st respondent and to quash the same consequently direct the respondents either to return the gold articles to the petitioner or permit the petitioner to export back the 10 roughly finished bangles and one roughly finished gold chain.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.C.HEROLD SINGH, Advocate for the petitioner and of Mr.B.VIJAYA KARTHIKEYAN, Advocate on behalf of the Respondents, the court made the following order:-



2. The learned counsel appearing for the petitioner filed a typed set of papers for condoning the delay in representing the above petition and the relevant portion of the affidavit reads as follows:

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"I state that I have filed the writ petition with affidavit signed by me and attested by a notary at Madurai. The Registry did not permit my affidavit being attested by a notary from here and directed me to attest it from Malaysia. So for that reason, it was returned by the registry on 09.08.2018. After that I have gone to Malaysia and was unable to return within the prescribed time by attesting the affidavit. Since the prescribed time for representation is over I again had to aver the reason for delay of 565 days in representing this writ petition. The delay was neither willful nor wanton but due to the unavoidable circumstances as stated above. So, it is just and necessary to condone the delay of 565 days in representing this writ petition."

3. Admittedly the delay of 555 days is an inordinate one in representing the writ petition. The question for consideration is whether the averments disclosed any sufficient cause to condone such inordinate delay in filing the writ petition.

4. After careful perusal of the application filed in support of the petition, I find that the petitioner has given a cogent reasoning for condoning such long delay. Further, this Court see a continued cause of action. Hence, the grounds urged by the petitioner to condone the delay, in the considered opinion of this Court, is tenable. Hence, this Court is inclined to condone the delay, however, on terms.

5. In the result, this petition is allowed and the delay of 555 days in representing the Writ Petition is condoned, on condition that the petitioner shall pay a cost of Rs.5000/- (Rupees Five Thousand Only) to the Legal Aid Committee, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

6. Registry is directed to number the Writ Petition, if it is otherwise in order, and on receipt of costs to the Legal Aid Committee, attached to this Bench.

sd/-
29/07/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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2. THE JOINT COMMISSIONER,
O/O. THE COMMISSIONER OF CUSTOMS,
NO.1, WILLIAMS ROAD, CANTONMENT,
TRICHY-01.

COPY TO :

THE OFFICER IN-CHARGE,
LEGAL AID SERVICE COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
WMP (MD) No.9503 of 2021
IN
WP (MD) SR.No.90139 of 2021
Date :29/07/2021

mpk
USK/PN/SAR-III : 05/08/2021 : 3P/4C