



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10682 of 2015

WEB COPY

J.Sharfunisa Jameel,
SS Complex, Near Police Station,
Jayankondam,
Ariyalur-612903.

... Petitioner

-Vs-

The Commissioner of Custom & Central Excise (Appeals),
No.Williams Road,
Cantonment,
Trichy-1.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to issue a certified/original copy of the appeal order passed in Order-In-Appeal No.39/2014, dated 12.08.2014 in file number A No.05/2014-TRY(ST)(D) passed by the Commissioner of Customs and Central Excise (Appeals), Trichy.

For Petitioner : Mr.S.Karunakar
For Respondent : Mr.B.Vijaykarthikeyan

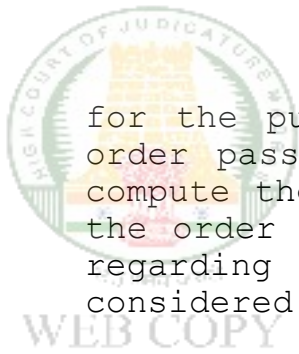
ORDER

Heard the learned counsel on either side.

2.The petitioner is an authorised franchisee of M/s.Professional Couriers. The petitioner had suffered an order at the hands of the original authority. Aggrieved by the same, the petitioner had filed an appeal before the appellate authority. The petitioner seeks copy of the certified/original copy of the appeal order.

3.The learned counsel appearing for the petitioner submits that he is not having the papers and seeks time. The learned Standing Counsel seeks time to get instructions from the respondent.

4.This case need not be adjourned for the said purpose. If the petitioner submits a fresh request to the respondent for issuance of the certified copy of the petition mentioned order, the same will be furnished to her without delay. I make it clear that issuing of this direction will not in any way come to rescue of the petitioner



for the purpose of limitation. In other words, by virtue of the order passed in this writ petition, the petitioner cannot seek to compute the period of limitation from the date of service of the order copy pursuant to the direction of this Court. The issue regarding limitation will have to be independently raised and considered.

5. With this clarification, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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

The Commissioner of Custom & Central Excise(Appeals),
No.Williams Road,
Cantonment,
Trichy-1.

+1 CC to M/s.S.KARUNAKAR, Advocate (SR-8807[F] dated 04/03/2021)

W.P. (MD)No.10682 of 2015
02.03.2021

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NSM(CO)
TR(12.03.2021) 2P 3C