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WPA 1343 of 2022

M/s. B.K. Construction & Anr.
Vs
The Union of India & Ors.

Ms. Reshmi Ghosh,
Mr. Tarun Chatterjee,
Mr. Soumya Sankar Chini
... For the Petitioners.
Mr. Bhaskar Prosad Banerjee,
Ms. Ekta Sinha
... For the Customs C. Ex & S.Tax, CGST & CX.
Ms. Oisani Mukherjee
... For the UOI.

Heard learned Advocates appearing for the parties.

In this writ petition, petitioners have made several prayers but one innocuous prayer made in prayer (c) to the writ petition, I am allowing for the ends of justice, which is prayer for furnishing a certified copy of the order dated 15th February, 2017 to the petitioners for the purpose of filing appeal since it is the case of the petitioners that the petitioners have not received the same and Mr. Banerjee, learned Advocate appearing for the respondents on the basis of office record, which has been produced in Court, tries to prove that the aforesaid order dated 15th February, 2017 was posted and submits that since the posting material has not come back from the Postal Department, it should be presumed that the same has been delivered. In view of this disputed question of fact and in the interest of justice, I am inclined to pass

an order, which will not prejudice the interest of the Revenue since I am not interfering with the impugned order of the original adjudication order and in view of the fact that the petitioners want to avail the remedy against the adjudication order before the alternative forum of Appellate Authority, respondents concerned is directed to serve a certified copy of the original adjudication order dated 15th February, 2017 within seven days from date and the petitioners shall be entitled to file the appeal before the Appellate Forum on the basis of the said certified copy within a month from the date of receipt of such certified copy.

It is clarified that this Court has not gone into the merits of the adjudication order and if any appeal is filed against the aforesaid adjudication order, the Appellate Authority will adjudicate the same strictly in accordance with law.

With these observations and directions, this writ petition, being WPA 1343 of 2022 is disposed of.

(Md. Nizamuddin, J.)