

OD-18

WPO/2985/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S ANAPOL SECURITY AND SECRET SERVICE (H)
VS
UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 23rd November, 2022.

Appearance:
Mr. Aditya Dutta, Adv.
Mr. A. Dutta, Adv.
...for petitioner.
Ms. Tiya Biswas, Adv.
...for respondent no. 1
Mr. Bhaskar Prosad Banerjee, Adv.
Mr. Tapan Bhanja, Adv.
...for respondent.

The Court : Heard learned Advocates appearing for the parties.

The petitioner has filed this writ petition seeking relief of liberty to allow the petitioner to file the appeal against the adjudication order dated 23rd March, 2022 which had to be filed within the period of 60 days under Section 35 of the Central Excise Act. Almost more than seven months has been passed from the date of passing the adjudication order. Even the petitioner to show his bonafide till date has not filed appeal before the Appellate Authority and it is not the case that petitioner has filed an appeal beyond time and the Appellate Authority has rejected the same on the technical ground of delay. The petitioner's plea of illness of one of the partners of the petitioner is found to be flimsy and not acceptable to this Court since this writ petition has been filed and affirmed by another partner and if he could come to this Court and file the writ petition then there can be no

justification for going before the Appellate Authority for filing their appeal. Here petitioner is not an individual person. It is a partnership firm and must be having service of legal professionals.

In view of the facts and circumstances of the case, I am not at all convinced with the submission and plea of the petitioner and accordingly, the writ petition being WPO/2985/2022 is dismissed.

(MD. NIZAMUDDIN, J.)

SK.