



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

AND

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Appeal No. 1728 of 2012

and

M.P.No.1 of 2012

1. Union of India,
Rep by the Secretary,
Ministry of Finance,
Government of India, North Block,
New Delhi - 110 001.
2. The Central Board of Excise & Customs,
Ministry of Finance,
Government of India, North Block,
New Delhi - 110 001.
3. The Assistant Commissioner of Central Excise,
Division II, M.H.U. Complex,
No.692, Anna Salai,
Chennai - 600 035. ... Appellants/Respondents

Versus

M/s. Kasturi & Sons Ltd,
"Kasturi Buildings",
Nos.869 & 860, Anna Salai,
Chennai - 600 002. ... Respondent/Petitioner

Appeal filed under Clause 15 of the Letters Patent to set aside the order of this court dated 24.02.2011 passed in W.P.No. 5534 of 2006.

Prayer in W.P.No.5534 of 2006:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration as stated therein Writ of declaration to declare the impugned circular No.81/2/2005-ST dated 07.10.2005 (F.No.354/132/205/05-TRU)



issued by the second respondent herein as being ultra vires section 83 of Finance Act 1994 read with sections 37B & 65(19) of Central Excise Act 1944 as well as Articles 14 19(1)(g) and 265 of the Constitution of India in so far as the petitioner is concerned.

For Appellants : M/s.Hema Muralikrishna
Senior Panel Counsel

For Respondent : Mr. T.R.Ramesh

J U D G M E N T

(Judgment of the court was delivered by R. MAHADEVAN, J.)

Today, this writ appeal is listed under the caption "for withdrawal" based on the letter given by the appellant Department dated 02.09.2021. The learned counsel appearing for the appellants also seeks permission of this Court to withdraw this appeal, when the matter is called.

2.In view of the submission so made by the learned counsel for the appellants, the writ appeal is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

msr
To

- 1.The Secretary,
Union of India,
Ministry of Finance,
Government of India, North Block,
New Delhi - 110 001.
- 2.The Central Board of Excise & Customs,
Ministry of Finance,
Government of India, North Block,
New Delhi - 110 001.



3. The Assistant Commissioner of Central Excise,
Division II, M.H.U. Complex,
No.692, Anna Salai,
Chennai - 600 035.

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+1cc to M/s.Hema Muralikrishnan, Advocate Sr.11357

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srg 08/03/2022