



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN
and
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

C.M.P. (MD) Nos.6731 and 6732 of 2022
in
W.A. (MD) SR Nos.24846 and 24847 of 2022

AMBIKA COTTON MILLS LIMITED UNIT-II,
KANNIYAPURAM ELLAPATTY ROAD,
KANNIYAPURAM POST,PIN-624 308.
DINDIGUL TALUK AND DISTRICT.
REP BY ITS CHAIRMAN AND
MANAGING DIRECTOR P.V.CHANDRAN

... PETITIONER/APELLANT
IN BOTH PETITIONS

Vs

1 THE ASSISTANT COMMISSIONER OF CENTRAL EXCISE,,
DINDIGUL-I DIVISION,
30, MENGLES ROAD,DINDIGUL-624 001.

2 THE DEVELOPMENT COMMISSIONER
MADRAS EXPORT PROCESSING ZONE,
ADMINISTRATIVE OFFICE BUILDING,
NATIONAL HIGHWAYS-45,
TAMBARAM,CHENNAI-600 045.

... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

COMMON PRAYER IN CMP(MD)Nos. 6731 & 6732 of 2022:

Petitions filed praying that in the circumstances stated therein and in the affidavits filed therewith the High Court may be pleased to condone the delay of 2320 days in filing the above writ appeal, against the order dated 06/12/2013 passed by the Learned Judge in WP(MD).Nos.8104 & 8105 of 2008.

**COMMON PRAYER IN WA(MD) SR No.24846 & 24847 of 2022:**

Pleaded to set aside order dated 06.12.2013 passed by the Learned Judge in Writ petition (MD) Nos.8104 & 8105 of 2005, on the file of this Hon'ble Court and allow the present Writ Appeal.

Common Prayer in WP(MD) . Nos. 8104 & 8105 of 2008 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in C.No. V/52/15/12/2008 Adjn dated 11/07/2008 and 21.07.2008 respectively on the file of the 1st respondent and quash the same.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S R.S.PANDIYARAJ, Advocate for the petitioner in both petitions and of MR.R.NANDAKUMAR, Senior Standing Counsel for GST & CUSTOMS on behalf of the 1st Respondent in both petitions and of Government Advocate for the 2nd Respondent in both petitions, the court made the following order:-

These civil miscellaneous petitions are filed to condone the delay of 2320 days each in filing the above writ appeals.

2. Heard Mr.R.S.Pandiaraj, learned counsel appearing for the petitioner and Mr.R.Nandakumar, learned Senior Standing Counsel for customs and CGST appearing for the respondents in these petitions.

3. Learned Senior Standing Counsel for customs and CGST appearing for the respondents opposed these petitions on the ground that the petitioner/appellant in these petitions has not given satisfactory explanation for condoning the huge delay of 2320 days in filing the above writ appeals and prays for dismissal of these petitions.

4. Though there is a huge delay of 2320 days each in filing the above Writ Appeals, considering the reason for such huge delay which is nothing but pendency of Review Applications (MD) Nos.16 & 17 of 2017 and now those review applications have been dismissed as withdrawn and in order to give an opportunity to the petitioner/appellant in these petitions to contest the case on merits, this Court is inclined to allow these petitions on payment of costs.

5. Accordingly, these petitions are ordered and the delay of 2320 days each in filing the Writ Appeals is condoned on condition that the petitioner in these petitions shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of the Hon'ble The Chief Justice's Relief Fund, payable at Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a



copy of this order, failing which, these petitioners shall automatically be dismissed without further reference to the Court. On payment of costs as stated above, the Registry is directed to number the writ appeals, if the papers are otherwise in order, and list them for hearing in the usual course.

WEB COPY

sd/-
18/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ASSISTANT COMMISSIONER OF CENTRAL EXCISE,
DINDIGUL-I DIVISION,
30, MENGLES ROAD,
DINDIGUL-624 001.
- 2 THE DEVELOPMENT COMMISSIONER
MADRAS EXPORT PROCESSING ZONE,
ADMINISTRATIVE OFFICE BUILDING,
NATIONAL HIGHWAYS-45,
TAMBARAM, CHENNAI-600 045.

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
(THE CHIEF JUSTICE'S RELIEF FUND)
MADRURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
C.M.P. (MD) Nos.6731 and
6732 of 2022
in
W.A. (MD) SR Nos.24846 and
24847 of 2022
Date :18/10/2022

sj
PKP/BUC/SAR /27.10.2022/3P/4C

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