



WEB COPY



W.P.Nos.5908, 5910 and 12756 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. Nos. 5908, 5910 and 12756 of 2021

and

W.M.P.Nos. 6524, 6525, 6529, 6530, 13549 and 13551 of 2021

Abishek Mundhra ... Petitioner in W.P.No.5908/2021

Ashish Mundhra ... Petitioner in W.P.No.5910/2021

R.Mahaveer Pipada ... Petitioner in W.P.No.12756/2021

Vs.

1.The Commissioner of Customs (Appeals-I)
O/o. The Commissioner of Customs (Appeals-I)
No.60, Rajaji Salai, Custom House,
Chennai 600 001.

2.The Assistant Commissioner of Customs
(Review Cell),
Chennai-I Commissionerate
New Custom House,
Air Cargo Complex,
Meenambakkam,
Chennai 600 027.

... Respondents in all the petitions



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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the impugned order in Appeal AIR C. CUS. I. No.281, 282, 283 and 284 of 2020 in F.No.C4/ I /139, 150, 153 and 202 / O / 2020-AIR dated 27.11.2020 of the 1st respondent and quash the same.

For Petitioner in all petitions : Mr.N.Muralikumaran,
Assisted by Mr.R.Gopinath for
M/s MCGAN Law Firm

For Respondents in all petitions : Mr.V.Sundareswaran,
Senior Panel Counsel

COMMON ORDER

The writ petitions are filed challenging the order of the 1st respondent vide order dated 27.11.2020 in Appeal AIR C. CUS. I. No.281, 282, 283 and 284 of 2020 in F.No.C4/ I /139, 150, 153 and 202 / O / 2020-AIR.

2. The learned counsel for the petitioners submitted a memo dated 17.07.2023 wherein, it has been stated that while in respect of the first two writ petitions viz., W.P. Nos. 5908 and 5910 of 2021, the appeals were not entertained by the



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CESTAT for want of pre-deposit which the petitioners undertake to pay within a period of 4 weeks and in respect of the third writ petition viz., W.P.No.12756 of 2021, the petitioner had challenged the order by way of writ petition and now seeks leave of this Court to file an appeal.

3. It is submitted by the learned counsel for the respondents that insofar as the first two writ petitions viz., W.P.Nos.5908 and 5910 of 2021, the petitioners had simultaneously filed Civil Miscellaneous Appeals in C.M.A.Nos.1152 and 1154 of 2023 and the Division Bench of this Court vide order dated 07.07.2023, directed the CESAT to reopen the appeals in Diary Nos.403902021 and 403912021 and to dispose of the same within a period of two weeks.

4. In view of the directions of this Court in C.M.A.Nos.1152 and 1154 of 2023, this Court does not intend to add anything further and the writ petitions in W.P.Nos.5908 and 5910 of 2021 are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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WEB COPY 5. Insofar as the 3rd writ petition viz., the one filed by Mr.R.Mahaveer

Pipada is concerned, a request was made to grant time to file an appeal while withdrawing the writ petition. In the circumstances, the 3rd petitioner is granted liberty to file an appeal within a period of 4 weeks from the date of receipt of copy of this order and the same shall be admitted / entertained without reference to limitation, if other conditions relating to appeal are complied with including pre-deposit, if any.

6. With the above direction, the Writ Petition in W.P.No.12756 of 2021 stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2023

Speaking (or) Non Speaking Order
Index : Yes/ No
shk



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To:

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MOHAMMED SHAFFIQ, J.

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