

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.759 of 2009

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DEO SHARIF ANSARI S/O Wazib Ansari M/S Kuber Bhandar R/O Kaurihar
Chowk, P.S Raxaul, Distt- East Champaran

... .. Appellant/s

Versus

1. The Union of India through its Secretary, Ministry Of Finance, New Delhi
2. The Commissioner of Customs Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amit Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anshuman Singh, Sr. SC CGST & CX
		Mr. Devansh Shankar Singh, Advocate
		Mr. Shivaditya Dhari Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 07-10-2024 The appellant, one of the persons who were proceeded with, was aggrieved with the direction to deposit 10% of the penalties imposed on him within eight weeks.

2. Admittedly, no such amount has been deposited. In which circumstance, the appeal ought to have been dismissed. There is no stay order in the present writ petition also.

3. Considering the order passed, we are of the opinion that there was *prima facie* satisfaction entered by the Tribunal to permit the petitioner, waiver of pre-deposit, but on condition of deposit of 10% of the penalty.

4. We do not find any reason to interfere with the



interim order. If the appeal is still pending and has not been dismissed on the ground of non-compliance of conditional pre-deposit, then, if the amounts are deposited within one month from today, the appeal shall be considered on merits.

5. The appeal stands rejected with the above liberty.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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