



WMP.No.5207 of 2024
in
W.P No.25527 of 2023

N.MALA, J.

This WMP is filed to direct the third respondent CGIT, Chennai to issue Certified Copies of the papers sought by the petitioner on payment of applicable costs or fees and consequently extend the timeline for completion of the proceeding before the CGIT, Chennai.

2.This Court on 30.08.2023 while disposing of the writ petition directed the petitioner to deposit 50% of the provisional dues before the Tribunal, within a period of four weeks from the date of receipt of a copy of the order and further directed the CGIT to dispose of the appeal within a period of six weeks thereafter.

3.It is seen that the petitioner complied with the aforesaid order of this Court and the CGIT restored the appeal. It is further seen that the appeal was originally filed in New Delhi and later transferred to CGIT, Chennai. The petitioner company took change of vakalat along with the appeal papers from the counsel who appeared in New Delhi and thereafter entrusted the case to the present counsel. When the learned counsel went through the papers he found that certain papers were missing. The matter was taken up for hearing on

<https://www.mhc.gov.in/judg> 05.12.2023 and as the Presiding Officer was on leave, the same got adjourned.



On 09.01.2024, when the matter was listed for hearing, the Presiding Officer recorded the undertaking of the learned counsel for the petitioner and adjourned the case on 27.02.2024 stating that no adjournment will be granted as it was a time bound case. Change of vakalat along with copy application for obtaining copies of the entire bundle in the appeal was filed before the Registry CGIT, Chennai and the same was received by the Registry and kept pending for the orders of the Presiding Officer.

4.The learned counsel for the petitioner states that as he is handicapped without appeal papers, he may not be able to conduct the case tomorrow i.e. on 27.02.2024. The learned counsel apprehends that the Presiding Officer may not grant any time as the case is a time bound one. The learned counsel therefore prays that time may be extended for the completion of the proceedings by the CGIT, Chennai.

5.The learned counsel appearing for the respondents submits that the extension is sought only to drag on the proceedings. The learned counsel further submits that to avoid further delay the petitioner may be directed to collect the requisite papers from his office.

6.I have heard both the learned counsels and have perused the materials



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7. Under the facts and circumstances of this case, I am of the view that in order to avoid further delay the petitioner should be directed to approach the respondents office and take copies of the relevant appeal papers. As the case is listed for hearing tomorrow i.e. 27.02.2024, in the interest of justice time is extended and the CGIT is directed to dispose of the appeal, within a period of five weeks from the date of receipt of a copy of this order.

8. Accordingly, this petition is ordered.

26.02.2024

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NOTE: Issue order copy on 26.02.2024.



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