



C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022

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

Friday, the Twentieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022
in
C.M.A(MD)SR.No.42254,42258,42261,42267,42279 and 42283 of 2018

THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE,
NEW HARBOUR ESTATE,
TUTICORIN - 628 004.

... PETITIONER/ APPELLANT
IN ALL CMP's

Vs

M/S. SRI BALA ANJANEYA INTERNATIONAL
(PARTNER SHRI. R.SOMANATH)
NO.129, AGRAHARA LAY OUT
YELAHANKA CMC
BANGALORE - 560068
KARNATAKA.

... RESPONDENT/RESPONDENT
in CMP(MD).2575/2022

S.S.EMBROIDERIES
130/1, 1ST FLOOR, 4TH MAIN,
RAJAJI NAGAR INDUSTRIAL AREA,
RAJAJI NAGAR
BANGALORE - 560044
KARNATAKA.

... RESPONDENT/RESPONDENT
in CMP(MD).2576/2022



C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022

M/S.MACRO AGENCIES
NO.38-A2, DODDANAKUNDI INDUSTRIAL AREA
WHITEFIELD, MAHADEVAPURAM,
BANGALORE - 560048
KARNATAKA.

... RESPONDENT/RESPONDENT
in CMP(MD).2577/2022

M/S.GEE TEE EMBROIDERIES
SHRI.V.K.GANESAMOORTHY (PARTNER)
NO.18-A, IIND STREET,
KONGU NAGAR EXTENSION
TIRUPUR - 641 607
TAMILNADU.

... RESPONDENT/RESPONDENT
in CMP(MD).2579/2022

M/S.J.B.CREATIONS
NO.28, 10TH MAIN 4TH CROSS,
CHELUVAPPA GARDEN,
BEHIND TELECOM COMPOUND,
VIJAY NAGAR PIPE LINE ROAD,
BANGALORE - 560023.

... RESPONDENT/RESPONDENT
in CMP(MD).2582/2022

M/S.S.S.EMBROIDERIES
NO.81/B-2, AEROPLANE MANSION,
MAGADI ROAD
BANGALORE - 560023.

... RESPONDENT/RESPONDENT
in CMP(MD).2583/2022

Common Prayer in CMP(MD)Nos.2575,2576,2577,2579,2582 and 2583 of 2022 :

Civil Miscellaneous Petitions filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to To condone the delay of 251 days in the filing the appeal.



Prayer in CMA(MD)SR.No.42254/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42530/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

Prayer in CMA(MD)SR.No.42258/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42531/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

Prayer in CMA(MD)SR.No.42261/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42539/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

Prayer in CMA(MD)SR.No.42267/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42553/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

Prayer in CMA(MD)SR.No.42279/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42557/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

Prayer in CMA(MD)SR.No.42283/2018 :

To consider the above appeal and set aside the impugned order of the CESTAT in Common Final Order No.42558/2017 dated 30.10.2017 and remand/restore the appeal to the CESTAT for fresh consideration of the matter on merits once the case of M/s.Mangali Impex reaches finality.

COMMON ORDER : These Civil Miscellaneous Petitions coming up for orders on



C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022

this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.DILIP KUMAR, Advocate for the petitioner in all CMP's and of MR.S.JAIKUMAR, Advocate on behalf of the Respondent in CMP (MD). 2579/2022 and MR.N.VISWANATHAN, Advocate on behalf of the Respondent in CMP(MD).2575,2576,2582 & 2583/2022 and none appeared for the Respondent side either in person or by an advocate in CMP(MD).2577/2022, the court made the following order:-

(Order of the Court was made by P.VELMURUGAN,J)

These Petitions are filed to condone the delay of 251 days in filing the above Civil Miscellaneous Appeals.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the Petitioner would submit that due to the passing of common judgment in a batch of cases, they could not get the certified copy individually and therefore, there is administrative reason for delay in filing these petitions and prayed for condoning the delay.

4.The learned counsel for the respondent objected for condoning the delay by stating that even in the appeal itself, no substantial question of law has been canvassed by the Petitioners in the grounds of appeal. Since the appeal itself is not maintainable and as such, condoning the delay is nothing but a futile exercise and prayed for dismissal of these Petitions.

5.However, considering the facts and circumstances,though the reasons stated



C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022

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in the accompanying affidavits filed in support of these Petitions are not satisfactory, in order to give an opportunity to the Petitioner to challenge the order passed by the Court below and to find out whether any substantial question of law exists or not and that any prima facie case has been made out can be decided only after taking the appeals on file and at the time of admission of the appeals. Time and again, the Honourable Supreme Court and Division Bench of this Court in catena of judgments held that merit of the case cannot be decided or discussed in the Petition for condoning the delay.

6. Therefore, in these circumstances, these Petitions are ordered and the delay is condoned, however, on condition that the petitioner is directed to pay a sum of Rs.1,000/- towards costs in each of the Petitions directly to the Advocate Clerks Association of this Bench on or before 16.10.2024 and file proof of payment before this Court on the next hearing date.

7. List the matter on 16.10.2024, for reporting compliance.

sd/-
20/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022

VSN

TO

1 THE OFFICER INCHARGE,
CESTAT,
SOUTH ZONAL BRANCH, CHENNAI.

2 THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE,
NEW HARBOUR ESTATE, TUTICORIN - 628 004.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERKS ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

C.M.P.(MD) Nos.2575,2576,2577,2579,2582 and 2583 of 2022
in

C.M.A(MD)SR.No.42254,42258,42261,42267,42279 and 42283 of 2018

Date :20/09/2024

SA/VR/SAR. /27.09.2024/6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.