



W.P.No.31630 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.P.No.31630 of 2025
and WMP No.35430 of 2025**

M/s.E Land Apparel Limited
represented by its Exim Manager,
Mr.Murthy G,
No.16/2B, Sri Vinayaka Industrial Estate,
Singasandra, Near Daksin Honda Showroom
Hosur Road, Bangalore - 560 068.

.. Petitioner

VS

The Commissioner of Customs,
Chennai Export Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned Miscellaneous Order No.So/mo/40646/2025 CU(DB) dated 16.06.2025 passed by the Hon'ble CESTAT, Chennai in Customs Miscellaneous Application No.40570/2025 in Customs Appeal No.40278/2022 and quash the same and further direct the Hon'ble CESTAT to fix an early date for hearing the Customs Appeal No.40278/2022 on merits.



WEB COPY



W.P.No.31630 of 2025

For Petitioner : Mr.Sethu Prabakaran

For Respondent : Mr.B.Sivaraman
Junior Panel Counsel

ORDER

(Made by Dr. ANITA SUMANTH.,J)

The present Writ Petition has been filed challenging the order passed by the Customs, Excise and Service Tax Appellate Tribunal (in short 'Cestat'/'Tribunal') rejecting the out-of-turn hearing.

2. Mr.B.Sivaraman, appearing for the respondent and both learned counsel have been heard.

3. We decline to consider this matter for several reasons, firstly, as Mr.Sivaraman objects to the maintainability of the Writ Petition. We agree, as a statutory remedy by way of Civil Miscellaneous Appeal is provided as against the order of the Cestat; secondly, impugned dated 16.06.2025 only rejects the Miscellaneous Petition filed by the appellant for out-of-turn hearing. The grant or otherwise of the out-of-turn hearing is entirely at the discretion of the authority, depending upon their roster and the objections of the respondent.

4. Thirdly, out-of-turn hearing had been sought on the ground that the matter is covered, by precedent, which submission had been refuted



W.P.No.31630 of 2025

on behalf of the respondent. At paragraph 3 of the impugned order, the authorised representative has specifically submitted that the matter is not covered and had objected for grant of out-of-turn hearing.

5. In such circumstances, we are of the view that this Writ Petition is misconceived and hence the same is dismissed with costs of Rs.5,000/- (Rupees five thousand only), payable to High Court Legal Services Committee, within a period of one (1) week from today. Memo of compliance will be filed in the Registry. Connected Miscellaneous Petition is also dismissed.

[A.S.M., J] [N.S., J]
26.08.2025

Index: Yes/No
Speaking Order/Non-speaking order
Neutral Citation: Yes/No
sl

To

The Commissioner of Customs,
Chennai Export Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

DR. ANITA SUMANTH, J.
and
N.SENTHILKUMAR, J.



WEB COPY



W.P.No.31630 of 2025

sl

**W.P.No.31630 of 2025
and WMP No.35430 of 2025**

26.08.2025