

(2016) 05 DEL CK 0222

In the Delhi High Court

Case No : Writ Petition (C) Nos. 5182-5183 of 2016 and CM Nos. 21555, 21557, 21554 and 21556 of 2016

Alcatel-Lucent India Ltd.

APPELLANT

Vs

Designated Authority

RESPONDENT

Date of Decision : 30-05-2016

Acts Referred:

Citation : (2016) 338 ELT 397

Hon'ble Judges : S. Muralidhar and Vibhu Bakhru, JJ.

Bench : Division Bench

Advocate : S/Shri Balbir Singh, Senior Advocate with T.D. Satish, Ankur Sharma, Darpan Bhuyan and Angad Sandhu, Advocates, for the Petitioner; S/ Shri Ashish Dholakia, Abhijit Mittal, Rajesh Sharma and Ms. Reena Khair, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

CM No. 21555/2016 in W.P. (C) 5182/2016; CM No. 21557/2016 in W.P. (C) 5183/2016 : Allowed, subject to all just exceptions.

W.P. (C) 5182/2016 & CM No. 21554/2016

W.P. (C) 5183/2016 & CM No. 21556/2016

2. Against the impugned final notification dated 5th February, 2016, issued by the Central Government imposing anti-dumping duty on imports of Synchronous Digital Hierarchy Transmission Equipment ("subject goods") originating in or exported from People's Republic of China for another period of five years, there is an alternative remedy provided under the Customs Tariff Act, 1975 of an appeal before the Customs, Excise and Service Tax Appellate Tribunal ("CESTAT"). The challenge is also laid to the impugned Customs Notification dated 26th April, 2016 levying anti-dumping duty on the above mentioned subject goods.

3. Learned counsel for the Petitioner, however, states that there is a huge pendency of matters in the CESTAT and that the appeals filed against the earlier notifications, issued several years ago, are unable to be taken up. He accordingly submits that this Court should entertain the present writ petition.
4. The Court does not find the above plea to constitute a sufficient justification to permit the Petitioner to bypass the statutory remedy of an appeal provided under the Customs Tariff Act, 1975. It would be open to the Petitioner to request the CESTAT, as and when an appeal is filed, to dispose it expeditiously.
5. The petitions and the applications are dismissed with the above observations.