

(2016) 05 DEL CK 0227

In the Delhi High Court

Case No : Writ Petition (C) No. 4337 of 2016 and C.M. No. 18198 of 2016

Balaji Action Buildwell

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 13-05-2016

Acts Referred:

Citation : (2016) 337 ELT 166

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

Bench : Division Bench

Advocate : Shri Neeraj Varshney, Advocate, for the Petitioner; S/Shri Vivek Goyal, CGSC, Sandeep Sethi, Senior Advocate with Rajesh Sharma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

1. Against the impugned final notification dated 28th January, 2016, issued by the Central Government imposing anti-dumping duty on imports of melamine 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').
2. 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.
3. 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.
4. The petition and the application are dismissed with the above observations.