(2016) 01 BOM CK 0047

In the Bombay High Court

Case No : Notice of Motion No. 1544 of 2015 in Customs Appeal (L) No. 2 of 2012

Commissioner of Customs (Preventive) APPELLANT

Vs

Nylex Traders RESPONDENT

Date of Decision : 11-01-2016

Acts Referred:

Citation : (2016) 332 ELT 399

Hon'ble Judges : S.C. Dharmadhikari and G.S. Patel, JJ.

Bench : Division Bench

Advocate : Neelesh V. Kalantri, for the Appellant; Jas Sanghavi i/b PDS Legal, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard Mr. Kalantri. With all his efforts he cannot persuade us to condone a delay of 1521 days'' in failing to remove the office objections. The Revenue''s appeal has been dismissed for want of steps being taken to comply with the procedural rules. The lapse on the part of the official to follow up the matter with the advocate or otherwise with the Registry will not enable us to condone the delay on which we do not have any contents on file. The contents of paragraph 2 of the Affidavit-in-Support lack in material and relevant particulars. It is thus a vague and general averment complaining about some lapses because of transfer of the officials. The details such as the name of the official; the time during which he was with the Revenue and at the subject posting; when he was transferred and when the lapses on his part were noticed by the other official is not set out. The advocate''s clerk is also blamed and we do not know as to who is really responsible for what is termed as a serious lapse.

2. In these circumstances, we cannot accept the explanation as it is neither sufficient nor reasonable. The delay is, therefore, not condoned. The motion is dismissed.

