
(1995) 05 AHC CK 0103

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 69 of 1992

Gopi Krishna Agarwal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 15-05-1995

Acts Referred:

Citation : (1995) 79 ELT 18

Hon'ble Judges : R.A. Sharma, J;D.K. Seth, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.A. Sharma, J.—Against an order dated 11-9-1989 passed by the Collector Customs (Appeals) petitioner has filed writ petition before this Court, which was dismissed on the ground that the petitioner has two alternative remedies, viz. (i) to move an application for recall of the order passed by the appellate authority on the ground that he could not appear before it due to the reasons beyond his control; and (ii) to file an appeal under the Customs Act. It 1 .appears that thereafter the petitioner filed an application before the Appellate Authority for recalling that order. Thereafter he also filed an appeal alongwith an application dated 19-9-1990 for condonation of delay before the Appellate Authority, after about 11 months and 28 days from the date when the writ petition filed by him was disposed of. The Appellate Authority rejected the application for condonation of delay on the ground that the petitioner has not given any reasonable explanation for the delay in filing the appeal.

2. From perusal of the application filed before the Appellate Authority for condonation of delay, which has been placed before us by learned counsel for petitioner it cannot be said that the Appellate Authority was wrong in rejecting it. That application hardly contains any reasons for filing the appeal after about a year. Even this writ petition does not contain plausible reasons for filing belated appeal. Only thing said is that during the pendency of the application before Appellate Authority Allahabad Collectorate came under the jurisdiction of

Collector (Appeals) Allahabad and when the petitioner met him he advised him to file appeal. Apart from the fact that these allegations have not been admitted by the respondents, they hardly contain justification for filing belated appeal.

3. However, petitioner's application which he filed before the Appellate Authority in pursuance of this court's direction is liable to be disposed of expeditiously.

4. This writ petition is accordingly dismissed with the observation that the above application filed before the Appellate Authority for recall of appellate order, should be decided expeditiously.