

(2016) 02 DEL CK 0376

In the Delhi High Court

Case No : Writ Petition (Civil) No. 787 of 2016 and C.M. Nos. 3429-3430 of 2016

PMP Metal Plast Pvt. Ltd.

APPELLANT

Vs

Commissioner of Central Excise, Delhi-I

RESPONDENT

Date of Decision : 01-02-2016

Acts Referred:

Citation : (2016) 334 ELT 236

Hon'ble Judges : Manmohan J.

Bench : Single Bench

Advocate : Prabhat Kumar and R.P. Singh, Advocates, for the Appellant; Satish Kumar, Sr. Standing Counsel, for the Respondent

Final Decision : Disposed Off

Judgement

Manmohan J.(Oral)—Present writ petition has been filed seeking a direction to the respondent to issue an original copy of order dated 30th June, 2015 which was passed upon adjudication of show cause notice dated 3rd May, 2013.

2. It has been averred that a show cause notice dated 3rd May, 2013 was issued to petitioner demanding a sum of Rs. 1,77,195/- on the allegation that the above amount was wrongly availed as Cenvat credit.

3. The petitioner replied to said show cause notice and also appeared in person before the respondent impugning the said demand.

4. Learned counsel for the petitioner states that the petitioner received a call from the office of the respondent in August 2015 informing him that the demand has been confirmed and further calling upon him to pay the same. He states that only a photocopy of the order was given to him in October 2015, but no certified/signed/official order has been served upon him till date.

5. Learned counsel for the respondent, who appears on advance notice, has drawn the attention of this Court to the letter dated 20th October, 2015, wherein

it is stated that a certified copy of the said order had already been sent by post. However, another copy of the same was enclosed.

6. Keeping in view the aforesaid, this Court is of the view that no interference is called for in the writ proceedings and the petitioner is directed to file an appeal on the basis of a photocopy of the impugned order along with an application stating that it is within limitation. Needless to say, such an application would be adjudicated on merits, after giving an opportunity of hearing to the respondent.

7. This Court clarifies that it has not expressed any opinion on the controversy. The rights and contentions of all the parties are left open. With the aforesaid observations, the present writ petition and the application are disposed of.