

(2009) 07 BOM CK 0001

In the Bombay High Court

Case No : Writ Petition No. 5818 of 2009 with W.P. No's. 5819-5820 of 2009

Shaikh Shahnawaz Ali

APPELLANT

Vs

Commissioner of C. Ex. and . Customs

RESPONDENT

Date of Decision : 07-07-2009

Acts Referred:

Citation : (2012) 26 STR 490

Hon'ble Judges : J.H. Bhatia, J;F.I. Rebello, J

Bench : Division Bench

Advocate : Bhagyashree Joshi, for the Appellant; R.V. Desai with Rohit Pardeshi, for the Respondent

Judgement

1. P.C.: Rule. Heard forthwith. Respondents waive service. In the order of the Tribunal, it is seen that the appeals were preferred with the delay of about 30 days. Petitioners herein who were appellants therein applied for condonation of delay. Those applications have been rejected. Hence, the present petitions.

2. In our opinion, the record reveals that the appellants received the impugned order on 29th September, 2008. They filed appeals on 28-1-2009 and gave papers to the consultant on 22-12-2008 which was within the time of filing the appeals. Thereafter, there was some delay in the office of the consultant. Once, the petitioner herein had taken steps, failure of the consultant ought not to result in denying to the petitioner's a remedy of hearing especially when the delay is only of about 30 days and, there is power in the Tribunal to condone the said delay. Considering the above, the impugned order is set aside. Delay condoned. Tribunal is directed to consider the applications according to the law. Rule made absolute accordingly. No order as to costs.