
(2015) 04 CAL CK 0116
In the Calcutta High Court
Case No : Writ Petition No. 235 of 2015

Southern Cooling Towers Pvt. Ltd.

APPELLANT

Vs

Commissioner of Central Excise

RESPONDENT

Date of Decision : 22-04-2015

Acts Referred:

Citation : (2015) 322 ELT 38

Hon'ble Judges : Arijit Banerjee, J

Bench : Single Bench

Advocate : S.P. Mazumder and A.K. Bhattacharya, for the Appellant; S.B. Saraf and K.K. Maity, Advocates for the Respondent

Judgement

Arijit Banerjee, J—The grievance of the writ petitioner is that the alleged adjudication order dated 19th November, 2012 was not received by them. Only a recovery notice dated 29/30th December, 2014 was received by the writ petitioner. It is also alleged by the writ petitioner that after issuance of the show cause notice dated 26th July, 2011, no communication at all was received from the respondent authorities. Since it was not favored with the copy of the adjudication order, the writ petitioner was unable to prefer any appeal from the adjudication order. The allegation that the adjudication order was not served on the writ petitioner is strongly denied by learned Counsel for the respondents.

2. I do not wish to go into the controversy as to whether or not the adjudication order was served on the writ petitioner. I think the grievance of the writ petitioner will be redressed if now the respondent authorities are directed to supply a copy of the adjudication order to the writ petitioner so that the writ petitioner may file an appeal against the same, if necessary with an application for condonation of delay.

3. Accordingly, the respondents are directed to supply to the writ petitioner an authenticated copy of the adjudication order dated 19th November, 2012 within a period of one week from the date of communication of this order to the

respondents.

4. I make it clear that I have not gone into the merits of the case.

5. Since no affidavits have been filed, the allegations in the writ petition are deemed not to be admitted.

6. This application is, accordingly, disposed of. Certified photocopy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.