
(2015) 03 MAD CK 0634

In the Madras High Court

Case No : Writ Petition Nos. 2029-2030 of 2015

SRA Systems Ltd.

APPELLANT

Vs

Deputy Commissioner of Customs, Chennai

RESPONDENT

Date of Decision : 27-03-2015

Acts Referred:

Citation : (2015) 322 ELT 460

Hon'ble Judges : S. Vaidyanathan, J

Bench : Single Bench

Advocate : T. Ramesh, for the Appellant; Haja Mohideen Gisthi, Advocates for the Respondent

Judgement

S. Vaidyanathan, J—The petitioner has come forward with the aforesaid prayer. Petitioner case is that original order has not been served on him and even though it has been stated to be served on the petitioner, it has not been served. Petitioner has also made an application under the Right to Information Act, wherein it has been stated that the despatch details were not available. Admittedly, the order has been passed on 30-12-2009 and petitioner was demanded to pay a sum of Rs. 2,22,164/- together with interest from 17-11-1995.

2. Learned counsel for the respondent contended that the order referred to which was communicated to the petitioner, there is no proof for despatch of the same and there is no acknowledgment on the file. Hence, accepting the contention of the petitioner the impugned order passed by the first respondent in Original No. 948/2009-Gr-7 (ACC), dated 30-12-2009 is set aside. Consequently, the impugned recovery notice in F.No. S.Misc.06/2011-RRU (AIR) dated 22-11-2014/25-11-2014 issued by the second respondent is also set aside. With the above observation, writ petition is disposed of. No costs. Connected miscellaneous petitions are closed. Petitioner is directed to treat the xerox copy of the order as original one and prefer an appeal within 15 days from today and that the petitioner shall pay 10% of the amount together with accrued interest as

mentioned in the impugned order before filing the appeal. Without depositing the amount, the appeal need not be entertained. The impugned order shall stand restored.