
(1999) 01 MAD CK 0067

In the Madras High Court

Case No : Writ Petition No. 1243 of 1999

Uma Mercantile Pvt. Ltd.

APPELLANT

Vs

CEGAT

RESPONDENT

Date of Decision : 30-01-1999

Acts Referred:

Citation : (1999) 106 ELT 292

Hon'ble Judges : S. Jagadeesan, J

Bench : Single Bench

Advocate : Sanjay Agarwal, Director, for the Appellant; S. Murugappan, for the Respondent

Judgement

S. Jagadeesan, J.—The petitioner has filed this writ petition for the issue of a writ of mandamus, directing the first respondent to dispose of the appeal filed by the petitioner herein against the order of the second respondent within the time fixed by this court. The only contention of the learned Counsel for the petitioner is that if the fine as well as the penalty are paid and the goods are to be taken delivery by the petitioner, then the petitioner's request for the expert opinion cannot be complied with. As the petitioner has requested the original authority to seek for the expert opinion in case of doubt and the original authority having failed to consider this aspect, now the petitioner seeks an early disposal of the appeal after getting the expert opinion.

2. I perused the order of the Appellate Tribunal, dated 2-7-1998 wherein the Appellate Tribunal has noticed that this is not a fit case for granting early hearing especially when the appeals of more than ten years are pending. I considered the reference made by the appellate Tribunal.

3. In considering the petitioner's request for early disposal of the appeal after getting the expert opinion, I am of the view that the petitioner can be given an opportunity to have the appeal disposed of early especially when his contention is that if the redemption fine as well as penalty are paid and the goods are taken

delivery, then the goods may not be availed for the expert opinion. In fact the petitioner has taken the ground before the appellate authority in Ground No. B. Hence I am of the view that the appeal can be disposed of early.

4. In order to have the benefit for the early disposal, it is necessary that the petitioner should be put on terms. Hence the petitioner is directed to deposit the fine of Rs. Two lakhs and the penalty of Rs. 50,000/- within four weeks from today. On such payment, the first respondent is directed to dispose of the appeal of the petitioner (No. C/484/98) within three months thereafter. The writ petition is ordered accordingly.