

(2016) 05 AHC CK 0266

ALLAHABAD HIGH COURT

Case No: Writ Tax No. 354 of 2015

Om Shiv Transport

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: May 3, 2016

Citation: (2016) 336 ELT 597

Hon'ble Judges: Dilip Gupta and Ravindra Nath Kakkar, JJ.

Bench: Division Bench

Advocate: Nishant Mishra and S.D. Singh, Counsels, for the Petitioner; B.K.S. Raghuvanshi, ASGI, Gyan Prakash, Manish Goyal, Ramesh Chandra Shukla and Ravi Prakash Srivastava, Counsels, for the Respondent

Final Decision: Disposed Off

Judgement

@JUDGMENTTAG-ORDER

1. An affidavit sworn on 28 March, 2016 by Sri A. Mohan Kumar, Registrar, Customs, Excise & Service Tax Appellate Tribunal has been filed. It has been stated in the affidavit that the complete original records of the disposed appeals during the years 2014 and 2015 have been transmitted to Allahabad on 23 February, 2016 and that one room on the ground floor of the Old Red Building has been allocated to Bar Association on 19 February, 2016 for use of the advocates. It has also been stated that the Ministry of Finance, Department of Revenue has issued appointment order of six Technical Members on 24 February, 2016 vide Order No. A.12026/02/2014-Ad.IC (CESTAT) and that one Member (Technical) Sri Anil Gangadhar Rao Shakkarwar has joined at Allahabad on 15 March, 2016 so that both Division Bench and Single Bench can function as per the roster.

2. The Under Secretary Sri S. Bhowmick, Under Secretary, Department of Revenue, Ministry of Finance has also filed an affidavit sworn on 30 March, 2016. It has been stated that the Ministry of Urban Development, New Delhi was requested to ensure that approximately 12,000 sq. ft. space may be provided to CESTAT in the proposed

building at 34-A, M.G. Marg, Allahabad and till such time as the alternate building is not complete, the entire Red Building situated at 38, M.G. Road, Civil Lines, Allahabad can be used by CESTAT for functioning of the Regional Bench at Allahabad.

3. A request has been made by Sri Ashok Mehta, learned Additional Solicitor General of India appearing for Ministry of Urban Development for granting some further time to file an affidavit regarding the completion of new proposed building at 34-A, M.G. Marg, Allahabad. The affidavit may be filed within three weeks.

4. It has been pointed out by learned senior counsel appearing for the petitioner that approximately 6,000 cases are before the Regional Branch at Allahabad out of which 5,000 cases are required to be disposed of by a Division Bench and the remaining one thousand by a Single Member. If that be so, the Registrar Customs, Excise & Service Tax Appellate Tribunal should also consider the requirement of having another Division Bench so that matters can be conveniently disposed of. An affidavit may be filed within three weeks from today for this purpose.