

(1989) 09 KL CK 0050

High Court Of Kerala

Case No: O.P. No. 8123/89-P

National Rubber Factory

APPELLANT

Vs

CEGAT

RESPONDENT

Date of Decision: Sept. 27, 1989**Citation:** (1989) 25 ECR 282 : (1992) 61 ELT 219**Hon'ble Judges:** Chettur Sankaran Nair, J**Bench:** Single Bench**Advocate:** S. Parameswaran, for the Appellant; P.V. Madhavan Nambiar, S.C.G.P., for the Respondent

Judgement

Chettur Sankaran Nair, J.

Petitioner challenges Ext. P7 order of the Customs, Excise and Gold (Control) Appellate Tribunal, Southern Regional Bench, Madras, directing him to make a pre-deposit of a sum of Rs. 25,000/- on or before 28-9-1989. Petitioner submits that owing to unforeseen circumstances, he could not make the deposit within the time. He also submits that certain aspects could not be placed before the Tribunal while considering the application for stay. Petitioner also relies on the decision of the Supreme Court in [Vijay Prakash D. Mehta and Another Vs. Collector of Customs \(Preventive\), Bombay](#)). I do not think the proper course is to interfere with the order of the Tribunal, but to give another opportunity to petitioner to place the relevant material before the Tribunal. Petitioner, if advised, may make a fresh application before the Tribunal and the Tribunal shall consider the same on merits uninfluenced by the observations made in Ext. P7. Till such time as tribunal takes a decision on that application, Ext. P7 shall not be given effect to and thereafter Ext. P7 will be subject to such orders as the Tribunal may pass on the application to be made within three weeks from today. With this direction, Writ Petition is disposed of.