(2011) 06 MAD CK 0326

Madras High Court

Case No: Writ Petition No. 13819 of 2011 and M.P. No. 1 of 2011

Huavei Telecommunications India Private Limited		APPELLANT
	Vs	
Superintendent of Customs-Authorised Officer, Flextronics Special Economic Zone, The Commissioner of Customs (Appeals) and The Commissioner of Central Excise (Appeals)		RESPONDENT

Date of Decision: June 29, 2011

Citation: (2011) 06 MAD CK 0326

Hon'ble Judges: M. Jaichandren, J

Bench: Single Bench

Advocate: Mohammed Shaffiq, for the Appellant; P. Mahadevan, CGSC, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

M. Jaichandren, J.
Heard the learned Counsel appearing for the Petitioner and the learned Central Government Standing Counsel appearing for the Respondents.

2. The main contention of the learned Counsel appearing on behalf of the Petitioner is that the second Respondent had passed the impugned order, dated 25.04.2011, stating that it is the third Respondent, who has the jurisdiction to hear the appeal filed by the

Petitioner, without an opportunity of hearing having been given to the Petitioner. Therefore, the learned Counsel appearing on behalf of the Petitioner had submitted that it would suffice if the impugned order of the second Respondent, dated 25.04.2011, is set aside and the second Respondent is directed to consider the issue regarding its jurisdiction, with regard to the issues arising for its consideration, after giving an opportunity of hearing to the Petitioner.

3. The learned Central Government Standing Counsel appearing on behalf of the Respondents, has No. objection for such an order being passed by this Court.

4. In such circumstances, the impugned order of the second Respondent, dated 25.04.2011, is set aside. The second Respondent is directed to pass appropriate orders with regard to its jurisdiction, in view of the issues arising for its consideration, after giving an opportunity of hearing to the Petitioner. The second Respondent shall pass such orders, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is ordered accordingly. No. costs.Consequently, connected miscellaneous petition is closed.