

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Fourth day of February Two Thousand Sixteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON`BLE MR.JUSTICE S.MANIKUMAR

WP(MD) No.3572 and 3573 of 2015

K.C.GURUSAMY,
PARTNER M/S KAYCEE PLASTO PACKS,
S-21 SIDCO INDUSTRIAL ESTATE,
SULAKARAI, VIRUDHUNAGAR- 628 003

... PETITIONER
IN WP(MD)NO.3572/2015

M/S.PREMIER CAN PACKS
REP.BY ITS PARTNER,
S-22, SIDCO INDUSTRIAL ESTATE,
SILAKARAI, VIRUDHUNAGAR -628 003

... PETITIONER
IN WP(MD) NO.3573/2015

Vs

1 THE UNION OF INDIA,
REP. BY ITS SECRETARY,
MINISTRY OF FINANCE,
NEW DELHI

2 THE COMMISSIONER,
O/O THE COMMISSIONER OF CENTRAL EXCISE,
CENTRAL REVENUE BUILDINGS, BIBIKULAM,
MADURAI 2

... RESPONDENTS
IN BOTH THE PETITIONS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased

PRAYER IN WP(MD)NO.3572/2015:

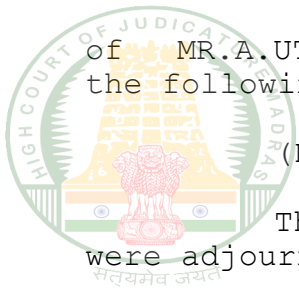
To issue a Writ of Declaration , or any other appropriate Writ, Order or direction, declare Rule 26 of the Central Excise Rules as ultra vires, confiscatory and beyond the provisions of the Central Excise Act and pass such other or further orders as this Hon`ble Court may deem fit.

PRAYER IN WP(MD)NO.3573/2015 :

To issue a Writ of Declaration, or any other appropriate Writ, Order or direction, declare Rule 26 of the Central Excise Rules as ultra vires, confiscatory and beyond the provisions of the Central Excise Act and pass such other or further orders as this Hon'ble Court may deem fit.

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments



of MR.A.UTHAYAKUMAR learned counsel for the petitioner the court made the following order:-

(Delivered by SATISH K. AGNIHOTRI, J)

These writ petitions were posted for hearing on 13.03.2015. They were adjourned to 17.03.2015. However, they could not be listed.

WEB COPY 2. When the matter is taken-up today, Mr.A.Uthayakumar, learned counsel, expressed his inability to argue the matter and makes a request to adjourn the matter. After a period of almost 10 months, the Advocate is not in a position to argue the matter.

3. Having regard to the factual situation, we adjourn the matter for two weeks, subject to deposit of a sum of Rs.5,000/- (Rupees five thousand only) as costs to the High Court Legal Services Committee, Madurai Bench of Madras High Court. In default, the petitions shall stand dismissed, automatically, without reference to Court.

sd/-
04/02/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY, THE UNION OF INDIA,
MINISTRY OF FINANCE, NEW DELHI
- 2 THE COMMISSIONER,
O/O THE COMMISSIONER OF CENTRAL EXCISE,
CENTRAL REVENUE BUILDINGS, BIBIKULAM,
MADURAI 2

COPY TO :
THE AUTHORISED OFFICER,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. C.C. to M/S.L.MURALIKRISHNAN Advocate SR.No.7386, 7387

ORDER
IN
WP(MD) No.3572 AND 3573 of 2015
Date :04/02/2016

GJM/PM/MP/SAR-I-8.2.16-2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>