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IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction [Central Excise]

ORIGINAL SIDE

CEXA/22/2009

COMMISSIONER OF CENTRAL EXCISE,
KOL-IV

VS

M/S. TITAGARH WAGONS
LTD. (UNIT-II)

BEFORE :

THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI

And

THE HON'BLE JUSTICE RAJARSHI BHARADWAJ

Date : 9th February, 2024

Appearance :

Sri B. P. Banerjee, Adv.

Sri Tapan Bhanja, Adv.

..for the appellant.

Sri Somak Basu, Adv.

... for the respondent.

1. This is a day to day affair that the office of this Court either does not send case files of the listed cases or sends incomplete files. In almost all the cases which are listed before the Court, complete order sheet is not being sent by the office and instead merely very recent orders are placed in a file. Order sheet is not being maintained. In the present central excise appeal, merely one copy of paper book has been sent by the office, although the office well knows that it is a Division Bench matter and copies of paper book only in requisite number are accepted. Neither any order sheets nor any of the orders passed earlier in the present appeal, have been sent by the office. Since copies of orders passed or the order sheets are not being sent by the office in the cases listed, therefore, the Counsels appearing in the cases insist

on uncertified copies of orders being produced by them and the Court is unable to proceed on the basis of such copy of alleged orders. Despite being repeatedly directed by the Court, the office of this Court (Department of the office of this Court) has not made any improvement and is showing a totally careless and negligent approach which adversely affects the judicial function of this Court. Even Vakalatnama of the Counsels are not placed in the record of the cases which are sent to the Court by the office.

2. Let a copy of this order be send to the Registrar General of this Court who shall take all appropriate actions to ensure that complete records of cases be properly maintained and be sent to the Court as and when cases are listed. The Registrar General shall submit response by 22.02.2024 and shall also submit a progress report.
3. Let this appeal along with connected appeals being Nos.CEXA/31/2009 and CEXA/41/2009 be listed on 22.02.2024. In the meantime office shall prepare a second copy of the paper book for the Court and shall also send complete records of the appeal along with order sheets.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)