

I.A No.05 of 2020
IN
WP(C) No.20 of 2018

M/S SIKKIM ORGANICS

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

Date: 19.09.2020

CORAM:

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

...

(ARUP KUMAR GOSWAMI, CJ)

Heard Mr. Jorgay Namka, learned Counsel for the petitioner.
Also heard Mr. B.K Gupta and Ms. Sangita Pradhan, learned Counsel
appearing for the respondents.

By filing this I.A no.05/2020, the petitioner makes the following
prayer:-

*"In the facts and circumstances stated herein above, it is
therefore, most respectfully prayed that this Hon'ble Court may be
pleased to take on records the receipts for having deposited the
amount stipulated under Section 35F of the Central Excise Act, 1944
by the petitioner and thereafter pass necessary order/s directing the
Ld. Customs, Excise & Service Tax Appellate Tribunal, Kolkata, Eastern
Zonal Bench, Kolkata to consider the issue of the petitioner having
deposited the pre-deposit amount of Rs.2,53,41,100/- as stipulated
under Section 35F of the Central excise Act, 1944 as this Hon'ble Court
may deem fit and proper and/or pass any other order/s/direction as
your Lordships deem fit and proper for the ends of justice."*

The writ petition filed by the petitioner being W.P. (C) No.20/
2018 was dismissed by an order dated 04.03.2019, taking a view that

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

the learned Customs, Excise and Service Tax Appellate Tribunal, Kolkata was justified in dismissing the appeal filed by the petitioner on the ground that while filing the appeal before the Appellate Tribunal, the petitioner did not deposit the amount as required under Section 35F of the Central Excise Act, 1944.

In view of the above position, we are of the opinion that this I.A is misconceived. Accordingly, I.A no.05/2020 stands dismissed.

Judge

Chief Justice

pm/avi