

ITEM NO.25

Court 6 (Video Conferencing)

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.9509/2020

(Arising out of impugned final judgment and order dated 30-07-2020 in WT No. 386/2020 passed by the High Court of Judicature at Allahabad)

M/S BUSRAH EXPORT HOUSE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.76383/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.76385/2020-EXEMPTION FROM FILING O.T.)

Date : 15-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Vishwajit Singh, Adv.
Ms. Veera Kaul Singh, AOR
Mr. Pankaj Singh, Adv.
Ms. Ridhima Singh, Adv.
Ms. Akansha Singh, Adv.

For Respondent(s) Mr. N. Venkataraman, ASG
Ms. Nisha Bagchi, Adv.
Mr. B. Krishna Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 The appeal which has been filed by the Chief Commissioner Customs [Appeal Diary No 70226/2020] is pending before the CESTAT, Prayagraj. Mr N

Venkataraman, learned Additional Solicitor General appearing with Ms Nisha Bagchi, learned counsel on behalf of the respondents apprised the Court of the fact that presently the Bench of the Tribunal at Prayagraj is not functional due to the existence of vacancies.

- 2 There is a need for an early resolution of the appeal or, in any event, the application for stay that has been filed by the Customs Department. Hence, the ends of justice would be served if the appeal is transferred to the Principal Bench of the Tribunal at New Delhi so that the appeal or, as the case may be, the application for stay can be taken up expeditiously. Mr Vishwajit singh, learned counsel appearing on behalf of the petitioner has no objection to this course of action to facilitate an early resolution of the dispute
- 3 We accordingly transfer Appeal Diary No 70226/2020 from the CESTAT, Prayagraj to the Principal Bench at New Delhi. We request the Chairperson of the CESTAT to take up the appeal upon transfer to New Delhi expeditiously and, in the event that it is not possible to dispose of the appeal in its entirety, to take up the application for stay on an expeditious basis. The Tribunal would endeavor to dispose of at least the application for stay within a period of two weeks of the receipt of the papers on transfer.
- 4 The Special Leave Petition is disposed of. Liberty is granted to the learned counsel appearing on behalf of the contesting parties to move this Court for further directions, should it become necessary.
- 5 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(BEENA JOLLY)
BRANCH OFFICER