

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL D. No.40248 OF 2023

COMMISSIONER OF CUSTOMS (AIR CARGO)
CHENNAI VII

APPELLANT(S)

VERSUS

M/S. RELIANCE JIO INFOCOMM LTD.

RESPONDENT(S)

O R D E R

We have heard learned counsel appearing for the appellant and learned senior counsel appearing for the respondent/caveator.

It was pointed out by learned senior counsel for the respondent/caveator that there is a huge delay of 526 days in filing this appeal. Drawing out attention to the application seeking condonation of delay, it was submitted that there is no explanation whatsoever for the huge delay in filing this appeal inasmuch as what has transpired between 25.08.2022 and 18.07.2023 has not been explained.

In the circumstances, learned senior counsel appearing for the respondent/caveator submitted that the appeal may be dismissed purely on the ground of delay and on that ground, the appeal may not be entertained.

Learned counsel for the appellant also agrees that there is no averment as to what has happened between the aforesaid two dates.

Contd..

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The Civil Appeal is hence dismissed on the ground of delay, keeping open the questions of law which arise, to be agitated in any other appropriate case.

Pending application(s) shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
[UJJAL BHUYAN]

NEW DELHI
DECEMBER 11, 2023

ITEM NO.18

COURT NO.13

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s) . 40248/2023

(Arising out of impugned final judgment and order dated 18-02-2022 in CA No. 41734/2019 passed by the Customs Excise And Service Tax Appellate Tribunal, South Zonal Bench, Chennai)

COMMISSIONER OF CUSTOMS (AIR CARGO) CHENNAI VII Petitioner(s)

VERSUS

M/S. RELIANCE JIO INFOCOMM LTD. Respondent(s)

(IA No.220779/2023-CONDONATION OF DELAY IN FILING and IA No.220778/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.220777/2023-STAY APPLICATION)

Date : 11-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. K M Nataraj, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Mr. V C Bharathi, Adv.
 Mr. Rupesh Kumar, Adv.
 Mr. H R Rao, Adv.
 Mr. Merusagar Samantaray, Adv.
 Mr. Rohit Verma, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
 Mr. K. R. Sasiprabhu, AOR
 Mr. Jaydeep Patel, Adv.
 Mr. Vipin Jain, Adv.
 Ms. Shilpa Balani, Adv.
 Mr. Vishnu Sharma A S, Adv.
 Mr. Kartikeya Astana, Adv.

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

The Civil Appeal is dismissed on the ground of delay in
terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS
(signed order is placed on the file)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

