

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. No.138-139/1999
(OA 999 of 1996)

Present: Hon'ble Mr. D. Purakayastha, Judicial Member
Hon'ble Mr. B. P. Singh, Administrative Member

UNION OF INDIA & ORS. (CUSTOMS)

VS

BRIJ MURARI AGARWAL

For the Applicants : Mrs. K. Banerjee, counsel

For the Respondents(OP) : In person
Mrs. U. Bhattacharyya, counsel for resp.No.5
in OA

Heard on 29.4.1999

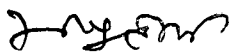
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Date of order: 29.4.1999

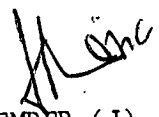
O R D E R

D. Purkayastha, JM

Customs authority as applicants applied for extension of time for reply to the showcause notice dated 9.2.1999 passed by this Tribunal in MA 166/98. They also filed an application for condonation of delay in filing the MA. We have heard the learned advocates of both sides. The opposite party appears in person and raises objection stating interalia that the respondents are intentionally delaying the matter to get the benefit of the judgment passed by this Tribunal. It is found that the affidavit filed by the Customs authority in support of the miscellaneous application is not affirmed by any officer in accordance with the rule. So, the affidavit is found defective. Accordingly, the application for extension of time for filing reply to the showcause notice is rejected. However, the applicants are given liberty to file a fresh application in proper form, if they so desire.



MEMBER (A)



MEMBER (J)