

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO.2835 of 2013

IN THE MATTER OF:

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh

And

IN THE MATTER OF:

Sun Power Ceramics Company Ltd.

... Petitioner

-VS-

***The Customs, Excise and VAT Appellate
Tribunal, Dhaka and another.***

... Respondents.

And

Mr. Munshi Moniruzzaman, Advocate
.... For the Petitioner.

Mr. Samarendra Nath Biswas, D.A.G. with
Mr. Md. Abul Kalam Khan (Daud), A.A.G. and
Mr. Md. Modersher Ali Khan (Dipu), A.A.G.
....For the Respondents-government.

Heard and judgment on:05.02.2024

Present:

Mrs. Justice Farah Mahbub.

And

Mr. Justice Muhammad Mahbub Ul Islam

Farah Mahbub, J:

Today, the matter has appeared in the list for order.

Mr. Munshi Moniruzazman, the learned Advocate appearing on behalf of the petitioner by filing supplementary affidavit submits that the petitioner has filed the instant writ petition challenging the order dated 11.02.2013 passed by the respondent No.1 issued vide Nothi

No.CEVT/Case(Cus)70/2013/2008 dated 11.02.2013 dismissing the appeal for non-depositing the amount as per the provision of Section 194(1) of the Customs Act, 1969.

He further submits that during pendency of the instant Rule, the respondent No.1 vide judgment and order dated 01.09.2022 had dismissed Customs Appeal No.70 of 2013 on merit, in the absence of the petitioner (Annexure- "K"). In the given context, he prays for passing necessary order.

Mr. Md. Modersher Ali Khan (Dipu), the learned Assistant Attorney General appearing for the respondents-government is present.

Considering the facts that pending disposal of the instant Rule vide judgment and order dated 01.09.2022 the Tribunal concerned has disposed of Customs Appeal No.70 of 2013 on merit; hence, there remains no cause of action requiring adjudication in the instant Rule.

Accordingly, this Rule is discharged as being infructuous without any order as to costs however.

Communicate the judgment and order to the respondents concerned at once.

Muhammad Mahbub Ul Islam, J:

I agree.