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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE**

**&
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 23rd OF AUGUST, 2023

MISC. CIVIL CASE No. 791 of 2018

BETWEEN:-

**THE ASSISTANT COMMISSIONER, CUSTOM AND
CENTRAL EXCISE DIVISION INDORE MANIK BAGH
PALACE, INDORE**

.....APPLICANT

(BY SHRI PRASANNA PRASAD -ADVOCATE)

AND

- 1. THE TEHSILDAR DISTRICT COLLECTOR'S OFFICE
INDORE (MADHYA PRADESH)**
- 2. ADMINISTRATIVE OFFICER M/S SHRI ISHAR
ALLOYS 314, BHAGIRATH PURA, INDORE
(MADHYA PRADESH)**
- 3. SHRI JAGMOHAN SINGH, DIRECTOR M/S ISHAR
ALLOYS STEELS LTD, 314, BHAGIRATH PURA,
INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI GAURAV SINGH CHOUHAN - ADVOCATE FOR RESPONDENT NO.1)

.....
*This application coming on for orders this day, Hon'ble Shri Justice
Ravi Malimath, Chief Justice passed the following:*

ORDER

Heard learned counsels.

This is the second application for restoration of W.P.No.9382 of 2003,
which was dismissed for non-compliance of the peremptory order dated

27.01.2014 on the ground of non-payment of process fee.

Earlier, by order dated 15.05.2015 passed in MCC No.565 of 2014 the writ petition was directed to be restored subject to compliance of the peremptory order dated 27.01.2014 within four weeks.

Applicant's counsel submits that due to the mistake committed by the counsel the petition was dismissed and for the same reason the order dated 15.05.2015 directing restoration of the petition also could not be complied with.

The respondents no.2 and 3 are not served. However, we do not find it necessary that notices should be issued to them since it is only a peremptory order and petition was dismissed at the stage of admission.

I.A.No.2219 of 2018 is allowed, for the reasons assigned therein. The delay in filing the MCC is condoned.

For the reasons assigned in the application for restoration, the MCC is allowed. The order dated 27.01.2014 passed in W.P.No.9382 of 2003 is recalled. W.P.No.9382 of 2003 is restored to its file.

In view of the careless manner in which the petition is being handled by the counsel, he is directed to pay cost of Rs.10,000/- from his personal funds with the President and Secretary M.P.H.C. Employee Union Indore (Account No.63006406008, Branch Code No.30528, IFSC No.SBIN0030528, CIF No.73003108919).

(RAVI MALIMATH)
CHIEF JUSTICE

(ANIL VERMA)
JUDGE