

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 8207 OF 2018
[ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL)
NO.5784 OF 2017]**

M/S NATIONAL CABLE NETWORK ...APPELLANT(S)

VERSUS

**THE COMMISSIONER OF CENTRAL EXCISE
& ANR. ...RESPONDENT(S)**

ORDER

1. Leave granted.

2. We have heard the learned counsels for the parties.

3. By the impugned order, the High Court, in the first instance, has refused to condone the delay of 504 days that had occurred in instituting the appeal before it by the appellant. Thereafter, the High Court considered the matter on merits and decided the issue(s) arising against the appellant on merits also.

4. Having considered the order of the High Court, insofar as the merits of the issue(s) are concerned, we are left with the impression that the said order is somewhat cryptic and a fuller consideration of the issue(s) arising was required.

5. It is, therefore, our considered view that the matter should be heard and disposed of on the basis of a fuller consideration. Accordingly, we set aside the order of the High Court and remit the matter to it for a fresh consideration.

6. The appeal is allowed in the above terms.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

....., J.
(K.M. JOSEPH)

NEW DELHI
AUGUST 13, 2018

ITEM NO.52

COURT NO.2

SECTION XV

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(S). 5784/2017
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 29-08-2016
IN DBEA NO. 5/2013 PASSED BY THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JAIPUR)

M/S NATIONAL CABLE NETWORK

PETITIONER(S)

VERSUS

THE COMMISSIONER OF CENTRAL EXCISE & ANR.

RESPONDENT(S)

Date : 13-08-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Sureshan P., AOR

For Respondent(s)

Mr. A.K. Sanghi, Sr. Adv.
Mr. Abhay Kumar, Adv.
Mr. P.K. Mullick, Adv.
Mr. B. Krishna Prasad, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]