

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7678-7682/2003

[From the judgement and order dated 01.11.2002 in refund Case Nos. V(26)18-32/2002-03/C-1/6422, V

(26)18-28/2002-03/C-I/6425-27 dated 9.9.2002, V(26)18-31/2002-03/C-I/6416, V(26)18-30/2002-03/C-

I/6413-15, V(26)18-29/2002-03/C-I/6419-21 dated 9.9.2002 of The Asstt. Commissioner of Central Excise,

Div-1, Indore (MP)]

MANOJ KUMMAR AGRAWAL & ORS.

Petitioner(s)

VERSUS

ASSTT.COMMNR.,CENTRAL EXCISE,M.P. & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office

report )

With I.A. Nos.11-15(Applications for interim directions)

Date: 21/08/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Dr. Shyamlha Pappu, Sr. Adv.

Mr. R.Krishnamoorthi, Adv.

Mr. Mohan Pandey,Adv.

For Respondent(s) Mr. Mohan Parasaran, ASG.

Mr. Sanjay Kapur, Adv.

Mr. Rajiv Kapur, Adv.

Ms. Shubhra Kapur, Adv.

Ms. Arti Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

These Special Leave Petitions have been filed in this Court directly against the order of the adjudicating authority without availing the alternate remedy of filing an appeal before the Tribunal which cannot be permitted. At this stage, counsel for the petitioners seeks permission of the Court to withdraw these special leave petitions reserving liberty with the petitioners to avail the alternate remedy of filing an appeal before the Tribunal.

Accordingly, these special leave petitions are dismissed as withdrawn reserving liberty with the petitioners to avail the alternate remedy of filing an appeal against the order of the adjudicating authority before the Tribunal along with an application for condonation of delay. The Tribunal shall decide the application for condonation of delay in accordance with law keeping in view the pendency of these special leave petitions in this Court. The Tribunal shall also decide the appeal on merits in accordance with law keeping in view the decision of this Court in Union of India vs. Ahmedabad Electricity Co. Ltd. & Ors. reported in (2003) 11 SCC 129.

The Special leave petitions are disposed of in the above terms.

(J.S. Rawat)

AR-cum-PS

(Kanwal Singh)

Court Master