

PART-HEARD

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2134-2136 OF 2001

COMMNR. OF CUSTOMS, MUMBAI

Appellant(s)

VERSUS

M/S UNIMAC INDIA LTD. & ORS.

Respondent(s)

(with application for intervention and c/delay in filing reply to the application for intervention and with office report)

Date: 05/04/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Harish Chander, Sr. Adv.

Mr. Manpreet Singh Doabia, Adv.

Mr. P.Parmeswaran, Adv.

For Respondent(s)

Mr. K.K.Venugopal, Sr. Adv.

Mr. Joseph Vellapally, Sr. Adv.

Mr. Aman Vacher, Adv.

Mr. P.N.Puri, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Mukesh Chouhan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay in filing the reply to the application for Intervention is condoned.

The Intervention application filed by the CBI is dismissed reserving liberty with the applicant to move similar application before the Tribunal, if so advised and if such an application is maintainable.

The Appeals are allowed in the above terms. No costs.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2134-2136 OF 2001

Commissioner of Customs, Mumbai

..Appellant

Versus

M/s Unimac India Limited & Others
S

..Respondent

O R D E R

Unfortunately the Tribunal, though the final court of fact, has not recorded the findings after considering the voluminous evidence which was present on the record. Tribunal has not adverted to the evidence present on the record. We are not

satisfied with the impugned order. The Tribunal being the final court of fact should have been given considered findings after delving into the evidence which was present on the record. Accordingly, these appeals are accepted and the impugned order of the Tribunal is set aside and the case is remitted back to the Tribunal for passing a fresh order after considering the evidence on record.

The Intervention application filed by the CBI is dismissed reserving liberty with the applicant to move similar application before the Tribunal, if so advised and if such an application is maintainable.

The Appeals are allowed in the above terms. No costs.

.....J.

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[ASHOK BHAN]

NEW DELHI;
.....J.

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[LOKESHWAR SINGH PANTA]

APRIL 05, 2006.