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C.A.No. 1947 OF 2000

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ITEM No.106

COURT No. 1

SECTION III

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. 1947 of 2000@@
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M/s. Venkateshwar Ispat Pvt. Ltd.

Appellant

VERSUS

Collector of Central Excise, Raipur

Respondent

(With appln.(s) for stay and office report)

Date : 02/05/2002 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant (s) Ms. Nisha Bagchi,Adv.
Mr. P. Manish,Adv.
Ms. Indu Malhotra,Adv.

For Respondent(s) Mr. Soli J. Sorabjee,AG.
Mr. Dhruv Mehta,Adv.
Mr. B. Krishna Prasad,Adv.

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

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Heard Ms. Nisha Bagchi, learned counsel for the appellant, and Mr. Soli J. Sorabjee, learned Attorney General for the Revenue, from 10.50 a.m. to 11.00 a.m.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1947 of 2000@@
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M/s. Venkateshwar Ispat Pvt. Ltd. ...Appellant (s)

Versus~

Collector of Central Excise, RaipurRespondent (s)

O R D E R@@
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We have heard learned counsel and perused the papers.

The learned Attorney General fairly states that, given the facts and circumstances of the case, the order under challenge should be set aside and the Tribunal should hear the appeal of the Revenue on merits, insofar as it relates to the ground or grounds taken in the Revenue's appeal relating to classification.

The civil appeal is allowed. The order under challenge is set aside. The appeal (No.E-2318/93-B) is restored to the file of the Tribunal at New Delhi to be heard on merits, as aforestated.

No order as to costs.

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.....CJI.@@
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.....J.@@
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(N. Santosh Hegde)@@
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.....J.@@
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(Shivaraj V. Patil)@@
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New Delhi,
May 02, 2002.