

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).7449/2006
(From the judgement and order dated 31/01/2005 in RCP No. 25/2003
of The HIGH COURT OF MADRAS)

COMMISSIONER OF CENTRAL EXCISE, CHENNAI

Petitioner(s)

VERSUS

M/S. ASHOK LEYLAND LTD.
(With prayer for interim relief)

Respondent(s)

Date: 08/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. P.P. Malhotra, ASG
 Ms. Sunita Rani Singh, Adv.
 Ms. Rashmi Malhotra, Adv.
 Mr. B.K. Prasad, Adv.
 Mrs Anil Katiyar, Adv.

For Respondent(s) Mr. Arvind P Datar, Sr. Adv.
 Mr. R Raghavan, Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. Rishi Agarwal, Adv.
 Mr. E.C. Agrawala, Adv.
 Mr. M Kannan, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the
Signed order.

[Charanjeet Kaur]
Court Master

[Renu Diwan]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLANT JURISDICTION

CIVIL APPEAL NO. 9609 OF 2010
(Arising out of SLP(C) No. 7449/2006)

Commissioner of Central Excise, Chennai ..

Appellant(s)

Versus

M/s Ashok Leyland Ltd.

.. Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel appearing for the parties. Counsel for the parties agree that this matter will have to be remanded back to the Tribunal for fresh consideration. In terms of their statement and upon going

through the record, we set aside the order passed by the Madras High Court and send the matter to the Tribunal at Chennai, for deciding the disputes between the parties afresh in accordance with law in the light of the decision of this Court in case of the Union of India vs. Rajasthan Spinning & Weaving Mills, reported in 2009 (238) ELT 3 (S.C.).

The appeal stands disposed of in terms of the said order.

.....J.
[Dr. MUKUNDAKAM SHARMA]

.....J.
[ANIL R. DAVE]

NEW DELHI,
NOVEMBER, 08, 2010.