

C.A.No. 1802 OF 2000

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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ITEM No.105

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. 1802 of 2000@@
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Elepur Industries (India) Pvt. Ltd. Appellant

VERSUS

Collector of Central Excise, Gujarat Respondent

(With 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. Meenakshi Arora,Adv.

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

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J
Heard Ms. Meenakshi Arora, learned counsel for the
appellant, and Mr. Soli J. Sorabjee, learned Attorney
General for the Revenue, from 10.40 a.m. to 10.50 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)

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1802 of 2000@@
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Elepur Industries (India) Pvt. Ltd. ...Appellant (s)

Versus~

Collector of Central Excise, GujaratRespondent (s)

O R D E R@@
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We have heard learned counsel. We do not go into the merits of the matter but we do think, upon a perusal of paragraphs (3) and (4) of the order under challenge, that the interests of justice require that the main order should be set aside and that appeal be heard on its merits, after due notice to the appellant.

The civil appeal is allowed. The order under challenge is set aside. The application for recalling the principal order dated 29th August, 1997 is allowed. The principal appeal (No.E-2364/90-A) is restored to the file of the Tribunal at New Delhi to be heard and disposed of on merits.

The parties shall appear before the President of the ...2/-

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Tribunal on 8th July, 2002 for the fixation of a date of hearing of that main appeal.

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.@@
AA
(Shivaraj V. Patil)@@
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New Delhi,
May 02, 2002.