

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2589 OF 2006

COMMISSIONER OF CENTRAL EXCISE

APPELLANT(S)

VERSUS

M/S. SUNTEX INDUSTRIES PVT. LTD. & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).2828/2006

O R D E R

1. It is submitted on behalf of the Revenue that in view of the judgment of this Court in *Steel Authority of India Ltd. Vs. Designated Authority, Directorate General of Anti-Dumping & Allied Duties* (decided on 17.04.2017) and having regard to the provisions of Section 35L(b) (2) of the Central Excise Act, 1944, (for short, "the Act") these appeals should be disposed of by permitting the appellant(s) to have recourse to the remedy of appeal under Section 35G of the Act against the order(s) passed by the learned Customs, Excise & Service Tax Appellate Tribunal.

2. We have perused the order(s) under challenge in these appeals and the provisions of

the Act, as referred to above. As no question with regard to rate of duty or value of goods for the purpose of assessment arises in the present appeals, we adopt the course of action suggested by the Revenue leaving it open for the appellant(s) to move the High Court under Section 35G of the Act, if so advised.

3. Undoubtedly, the appeal(s) before the High Court, if filed at this stage, will be barred by time. However, the application for condonation of delay as may be filed may be considered by the High Court having regard to the recourse adopted by the appellant in filing the present appeals and the period of pendency of the same before this Court.

4. The appeals are disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(ABHAY MANOHAR SAPRE)

.....,J.
(NAVIN SINHA)

NEW DELHI
OCTOBER 11, 2017

ITEM NO.104

COURT NO.2

SECTION IX

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

Civil Appeal No(s). 2589/2006

COMMISSIONER OF CENTRAL EXCISE

APPELLANT(S)

VERSUS

M/S. SUNTEX INDUSTRIES PVT. LTD. & ORS.

RESPONDENT(S)

WITH

C.A. No. 2828/2006 (IX)

Date : 11-10-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. Yashank Adhyaru, Sr. Adv.
 Ms. Nisha Bagchi, Adv.
 Mr. Ritesh Kumr, Adv.
 Ms. B. Sunita Rao, Adv.
 Mr. B. Krishna Prasad, AOR

For Respondent(s) Mr. Kumar Dushyant Singh, Adv.
 Mr. R. Nedumaran, AOR
 Mr. Mukul Lather, Adv.
 Mr. Siddharth Dutta, Adv.

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

The appeals are disposed of in terms of the
signed order.

Pending application(s), if any, shall stand
disposed of.

(NEETU KHAJURIA)
COURT MASTER

(ASHA SONI)
BRANCH OFFICER

(Signed order is placed on the file.)