RITEM NO.107 COURT NO.5 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(s). 3051 OF 2003

COMMNR. CENTRAL EXCISE, DELHI Appellant (s)

VERSUS

M/S. ACE AUTO COMP. LTD. Respondent(s)
(With appln(s) for ex-Parte stay and office report)

Date: 23/09/2010 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)
Mr. Biswajeet Bhattacharya, ASG
Ms. Shipra Chose, Adv.
Mr. Arijit Prasad, Adv.
Mr. B.K. Prasad, Adv.
Mrs. Anil Katiyar,Adv.
For Respondent(s)

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

Mr. Biswajeet Bhattacharya, learned ASG, submits that despite efforts, he has not been able to procure the original record as directed by this Court vide order dated 22nd April, 2010. In this regard, Ms. Shipra Ghose, the learned briefing counsel, has shown a copy of letter dated 14th September, 2009 received from the Office of the Assistant Commissioner, Central Excise, Faridabad, informing Mr. B.K. Prasad, Additional Government Advocate that efforts are being made to trace out the photographs of the logo and trade mark of the product which will be submitted "as soon as it is traced".

...2/-

Learned counsel submits that thereafter no information with regard to the record has been received from the officer concerned.

We are dismayed at the conduct of the said officer. Casual approach of the department in the

matter pending in this Court is obvious. Accordingly, we are constrained to direct the Commissioner of Central Excise, Faridabad Range to appear in person before this Court along with the relevant record and assist us in making appropriate orders in the case. Let there be no default. The Commissioner shall appear on 5th October, 2010.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master