

**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). 776 OF 2007**

**SHRI.WARANA SAHKARI DUDH U.P.S.LTD.**

**Appellant (s)**

**VERSUS**

**COMMISSIONER OF CENTRAL EXCISE**

**Respondent(s)**

**(With appln(s) for stay)**

**Date: 18/08/2008 This Appeal was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE S.H. KAPADIA**

**HON'BLE MR. JUSTICE B. SUDERSHAN REDDY**

**For Appellant(s) Mr. S. Ganesh, Sr.Adv.**

**Mr. Pratap Venugopal, Adv.**

**Mr. M.P. Bakshi, Adv.**

**Ms. Deepti, Adv.**

**Mr. Dileep P., Adv. for**

**M/S K.J. John & Co.,Adv.**

**For Respondent(s) Mr. Gopal Susbramanium, ASG**

**Mr. S.K. Dubey, Adv.**

**Mr. B. Krishna Prasad,Adv.**

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

**Appeal admitted.**

**The appeal is disposed of with no order as to costs.**

**(S. Thapar)  
PS to Registrar**

**(Vijay Dhawan)  
Court Master**

**The signed order is placed in the file.**

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NO.776 OF 2007**

**SHRI WARANA SAHKARI DUDH U.P.S.LTD.**

**...APPELLANT (S)**

**VERSUS**

**COMMISSIONER OF CENTRAL EXCISE**

**...RESPONDENT(S)**

**ORDER**

**Appeal admitted.**

**Since the impugned order passed by the CESTAT is an ex-parte order and since justifiable reasons are there for non-appearance of assessee, we set aside the impugned judgment and restore Appeal No E/2681/06-MUM on the file of the tribunal for consideration in accordance with law. We request the tribunal to hear and dispose of the said appeal as expeditiously as possible and preferably within three months.**

**The appeal is disposed of with no order as to costs.**

**.....J.**  
**[ S.H. KAPADIA ]**

**New Delhi,**  
**August 18, 2008**

**.....J**  
**[ B. SUDERSHAN REDDY ]**