

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6586/2007

(From the judgement and order dated 02/11/2006 in CWP No. 17304/2006 of the
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

M/S BHAGWATI INTERNATIONAL TH.PARTNR&ORS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief)
(FOR FINAL DISPOSAL)

Date: 07/02/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. K Kumar,Adv.
Mr. Manoj Swarup,Adv.
Ms. Lalita Kohli,Adv.
for M/S. Manoj Swarup & Co.,Advs.For Respondent(s) Mr. Vikas Singh, ASG
Mr. B. Krishna Prasad,Adv.UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard the learned counsel for the parties at length.

The impugned judgment is set aside, the matter is remitted to
the High Court and the appeal is disposed of in terms of the signed
order.(A.S. BISHT)
COURT MASTER(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1102 OF 2008
[Arising out of SLP(C) No.6586/2007]M/S. BHAGWATI INTERNATIONAL THROUGH ITS
PARTNER AND ORS.

... APPELLANT(S)

:VERSUS:

UNION OF INDIA AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the question in regard to the pre-deposit of duty as envisaged under Section 129 E of the Customs Act, 1962 is required to be considered afresh in the light of the decision of this Court in Bhavya Apparels Private Limited & Anr. vs. Union of India & Anr., [2007 (11) SCALE 218]. Accordingly, the impugned judgment is set aside and the matter is remitted to the High Court for consideration thereof afresh in the light of the aforementioned judgment.

For the said purpose, the parties would be at liberty to raise all contentions.

The appeal is disposed of with the aforementioned direction.

.....J
(S.B. SINHA)

.....J
(V.S. SIRPURKAR)

NEW DELHI,
FEBRUARY 7, 2008.