ITEM NO. 42 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

Petition(s) for Special Leave to Appeal (Civil)...../2010
CC 4749/2010
(From the judgement and order dated 23/10/2009 in CEAC No. 4/2006
of The HIGH COURT OF DELHI AT N. DELHI)

COMMR.OF CEN.EXC.DELHI Petitioner(s)
VERSUS
M/S PHOEL INDUSTRIES & ORS. Respondent(s)
WITH I.A. No. 1(C/Delay in filing SLP)
WITH
Civil Appeal D NO. D12630 of 2010
(With appln. for condonation of delay in filing appeal and office report)

Date: 09/07/2010 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. K.K. Sharma, Sr. Adv.
Mr. Naresh Kaushik, adv.
Mr. Rajiv Nanda, Adv.
Mr. Mukesh Kumar, Adv.
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. Alok Yadav, Adv.
Mr.M.P.Devanath,Adv.

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

SLP(C) No. CC 4749/2010

Delay condoned.
The special leave petition is dismissed as infructuous.

C.A. No..D12630/2010

Delay condoned.
The appeal is dismissed.

[Charanjeet Kaur] [N.B. Dhyani]
Court Master Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2010
D.No. 12630/2010

Commr. of Central Excise, Delhi .. Appellant(s)

Versus

M/s Phoel Industries& Ors. .. Respondent(s)

O R D E R

Delay condoned.

In view of the fact that Tribunal's order dated 11th February, 2005 in the case of the assessee itself was not challenged by the Revenue, no ground is made out for our interference with the impugned order.

The appeal is dismissed accordingly.

.....J.
[D.K. JAIN]

.....J.
[A.K. PATNAIK]

NEW DELHI,
JULY 09, 2010.