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SLP(C)No. 8203 OF 2004
ITEM No.56

Court No. 5

SECTION III
A/N MATTER

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) No.8203/2004

(From the judgement and order dated 09/01/2004 in CERA 15/03
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S. U.P. TWIGA FIBRE GLASS LTD.

Petitioner (s)

VERSUS

COMMNR.,CUSTOMS & CENTRAL EXCISE, NOIDA

Respondent (s)

(With prayer for interim relief and office report)

Date : 21/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Joseph Vellapally, Sr. Adv.
Mr. Rupesh Kumar, Adv.
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma, Adv.

For Respondent (s)Mr. Mohan Parasaran, ASG
Mr. Shailendra Sharma, Adv.
Mr. P. Parmeswaran,Adv.

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

Leave granted.
The Appeal is allowed in terms of the signed order.
There shall be no order as to costs.

(K.K.Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO._____ OF 2005
(Arising out of SLP(Civil) No.8203 of 2004)

M/S. U.P. TWIGA FIBRE GLASS LTD.

Appellant (s)

VERSUS

COMMNR.,CUSTOMS & CENTRAL EXCISE, NOIDA

Respondent (s)

O R D E R

Leave granted.

Heard parties.

It is fairly stated that the question of law involved in this Appeal has been decided by a larger Bench in the case of Commissioner of C. EX., Mumbai-II Vs. Allied Photographics India Limited reported in 2004 (166) E.L.T. 3. In view of the fact that the question has already been decided, no question arises for referring the same to the High Court. The impugned order is accordingly set aside.

The Appeal is allowed accordingly. There shall be no order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
February 21, 2005.