

S U P R E M E C O U R T O F I N D I A  
REVISED  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3407 OF 2004

COMMNR., CENTRAL EXCISE, VADODRA

Appellant (s)

VERSUS

M/S. NOVENA CHEMICALS (P) LTD.

Respondent(s)

(With appln(s) for stay and office report)

WITH SLP(C) NO. 10721 of 2004  
(With prayer for interim relief)

SLP(C) NO. 10964 of 2004  
(With prayer for interim relief and office report)

SLP(C) NO. 12188 of 2004  
(With prayer for interim relief and office report)

SLP(C) NO. 23293-23295 of 2004  
(With prayer for interim relief and office report)

Date: 22/07/2010 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. R.P. Bhatt, Sr. Adv.  
Mr. T.A. Khan, Adv.  
Mr. Rupesh Kumar, Adv.  
Mr. B.K. Prasad, Adv.  
Mrs. Anil Katiyar, Adv.

For Respondent(s)

Mr. Nitin Gupta, Adv.  
Mr. Ashutosh Sharma, Adv.  
Mr. Shivaji M. Jadhav, Adv.  
  
Mrs Lalita Kaushik, Adv.  
Mr. Rajesh Kumar, Adv.

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

The appeal is dismissed in terms of the signed order.

SLP (C) Nos. 10964/2004, 12188/2004, 23293-23295/2004 and 10721/2004

Having regard to quantum of the penalty, imposed under Section 11AC of the Central Excise Act, we do not find these to be fit cases for interference in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petitions are dismissed accordingly.

(VINOD LAKHINA)  
Court Master

(N.B.DHYANI)  
Court Master

(REVISED SIGNED ORDER IS PLACED ON THE FILE)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3407 OF 2004

COMMNR., CENTRAL EXCISE, VADODRA

...APPELLANT

VERSUS

M/S NOVENA CHEMICALS (P) LTD.

...RESPONDENT

ORDER

Having perused the impugned order of the Tribunal, we are not inclined to interfere therewith, particularly, in view of the fact that the Tribunal, on a concession by the departmental representative, has reduced the penalty leviable under Section 11AC of the Central Excise Act, 1944. The appeal is dismissed on that short ground, keeping open the question of law sought to be raised in the appeal.

....., J.  
(D.K. JAIN)

....., J.  
(H.L. DATTU)

NEW DELHI  
JULY 22, 2010