

SLP(C)No. 8967 OF 2005
ITEM No.28

Court No. 2

SECTION IX

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.8967/2005

(From the judgement and order dated 06/04/2005 in WP 2293/04
of The HIGH COURT OF BOMBAY AT NAGPUR)

PUSHPA & ANR.

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 02/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. A.A. Desai, Sr.Adv.
Mr. Venkateswara Rao anumolu,Adv.

For Respondent (s) Mr. Shivaji M. Jadhav,Adv.
Mr. Himanshu Gupta, Adv.
Mr. Brij Kishor Sah, Adv.

UPON hearing counsel the Court made the following

O R D E R

Learned senior counsel appearing for the petitioners submits that based on the material produced by him in this SLP an appeal is filed before the Commissioner of Excise which is pending, therefore, the High Court was in error in dismissing the petition on the ground that no appeal is filed. If what is stated by the learned senior counsel in this petition is correct it is appropriate for the petitioners to pursue for the remedy. If any adverse order is passed, it is open to the petitioner to take such step as is available in law.
With the above observation the special leave petition is dismissed.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER