

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6395 OF 2009

M/S.SURYA FOODS THROUGH ITS MANAGING DIRECTOR
SHRI SHEKHAR AGGARWAL

.....Appellant(s)

Vs.

COMMISSIONER OF CUSTOMS

.....Respondent(s)

WITH

CIVIL APPEAL NOS. 6384-6386 OF 2009

O R D E R

The limited grievance of the appellant is to the remand to the Commissioner, on the issue of classification after examination of additional evidence.

This Court is of the opinion that this issue ought to have been decided by the Tribunal in an appropriate manner, having regard to its powers and jurisdiction. The impugned order is, therefore, modified; the matter is remanded to the CESTAT which shall render its final order after hearing the parties and considering the additional evidence, if any.

The appeals are disposed of.

All pending applications are disposed of.

.....J.
(S. RAVINDRA BHAT)

.....J.
(DIPANKAR DATTA)

New Delhi;
January 25, 2023.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 6395/2009

M/S.SURYA FOODS

THROUGH ITS MANAGING DIRECTOR SHRI SHEKHAR AGGARWAL Appellant(s)

VERSUS

COMMISSIONER OF CUSTOMS

Respondent(s)

WITH

C.A. Nos. 6384-6386/2009 (XVII-A)

Date : 25-01-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Mr. R. Santhanam, Sr. Adv.
Mr. Vineet Bhagat, AOR
Mr. Satya Priya Kamra, Adv.
Ms. Manju Bhagat, Adv.
Ms. Archana Midha, Adv.

For Respondent(s) Mr. N. Venkatraman, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. V. C. Bharathi, Adv.
Ms. Nisha Bagchi, Adv.
Ms. Manjula Gupta, Adv.
Mr. Digvijay Dam, Adv.

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

The appeals are disposed of in terms of signed order.

All pending applications are disposed of.

(NEETA SAPRA)

COURT MASTER (SH)

(Signed order is placed on the file)

(MATHEW ABRAHAM)

COURT MASTER (NSH)