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C.A.No. 4019-4021 OF 2001
ITEM No.31

Court No. 3

SECTION III
A/N MATTER

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.4019-4021/2001

ESCORTS LTD.

Appellant (s)

VERSUS

COLLECTOR OF CENTRAL EXCISE, NEW DELHI

Respondent (s)

With

C.A.No.D10175/2001 (for prel. hearing) (M/s. Escorts Ltd. vs. Collector of Central Excise, New Delhi (with appln.(s) for condonation of delay in filing appeal).

Date : 24/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE R.P. SETHI

For Appellant (s) Mr. S Ganesh, Sr. Adv.
Mr. S Sukumaran, Mr. Raghu M, Dr. Ramesh
K Haritash, Ms. Divya Nair and Mr. V K
Sidharthan, Advs.

For Respondent (s) Mr. R N Trivedi, ASG
Mr. Dileep Tandon, Adv.
Mr. B. Krishna Prasad,Adv.

UPON hearing counsel the Court made the following
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C.A. Nos./2001 (D10175/2001)@@
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Delay condoned.

Appeals are admitted.

The appeals are allowed in terms of the signed order.

C.A. Nos. 4019-4021/2001@@
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The appeals are dismissed as withdrawn.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4019-4021 OF 2001@@
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Escorts Ltd. ..Appellant(s)

vs.

Collector of Central Excise, New Delhi ..Respondent(s)

[with Civil Appeal Nos..... of 2001 (D10175/2001)]@@
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O R D E R@@
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C.A. Nos. /2001 (D10175/2001)@@
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Delay condoned.
Appeals are admitted.

After hearing the counsel for the parties, we are of the opinion that there was a genuine mistake on the part of the appellant's counsel in not being able to attend the proceedings before the Tribunal which resulted in an ex-parte order being passed on 5th October, 1998. In our view, sufficient cause has been shown and the Tribunal ought to have recalled its order and heard the case on merits after giving an opportunity to the appellant to be represented. Without expressing any opinion on the merits of the case, we set aside the order dated 5th October, 1998 of the Tribunal and direct that the appeals filed by the appellant shall now be decided on merits after giving an opportunity to the appellant to represent its case.

These appeals are allowed in the aforesaid terms.

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C.A. Nos. 4019-4021/2001@@
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In view of the connected appeals arising out of C.A.No. D10175/2001 having been allowed and the final order dated 5th October, 1998 set aside, counsel for the appellant wishes to withdraw these appeals. These appeals are, therefore, dismissed as withdrawn.

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.....J.
(B.N. KIRPAL)

.....J.
(N. SANTOSH HEGDE)

.....J.
(R.P. SETHI)

New Delhi;
August 24, 2001.