

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 5274-5307 OF 2009

DEEN DAYAL CANCER RES.CEN.

Appellant (s)

VERSUS

COMMR.OF CUSTOMS,MUMBAI

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,stay,condonation of delay in filing appeal. and office report))

Date: 05/01/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Ms.Jayashree Wad,Adv.
Mr.Ashish Wad,Adv.
Mrs.Tamali Wad,Adv.
Mr.Sameer Abhyankar,Adv.
Ms.Dipti, Adv.
M/S. J.S. Wad & Co.,Adv.

For Respondent(s) Mr.H.P.Raval,ASG,
Ms.Binu Tamta,Adv.
Mr.Rahul Kaushik,Adv.
Mr. B. Krishna Prasad,Adv.

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

The appeals are dismissed as withdrawn in terms of the signed order.
The I.As are also disposed of.

(KUSUM SYAL)
SR.P.A.

(RENU DIWAN)
COURT MASTER

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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O R D E R

Mr. H.P. Raval, learned Additional Solicitor General appearing for the respondent has raised a preliminary objection with regard to the maintainability of these appeals. It is

submitted by him that the appellant has filed these appeals against the order passed by the CESTAT whereas he could have filed an appeal before the concerned High Court.

We find force

in the said submission.

At this stage, counsel appearing for the appellant states that he may be allowed to withdraw these appeals with liberty to approach the High Court. Permission is granted.

The civil

appeals are disposed of as withdrawn with liberty as prayed for.

In view of the aforesaid order, the Interlocutory Applications are also disposed of.

.....J
(DR.MUKUNDAKAM SHARMA)

.....J
(ANIL R.DAVE)

NEW DELHI
January 05, 2011