

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.1453-1458/2001

COMMNR. OF CENTRAL EXCISE, AHMEDABAD
(s)

Appellant

VERSUS

DAMODAR POLY FAB (P) LTD. & ORS.
t(s)

Respondent

(with office report)

Date: 11/07/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. M.M.Paikeday, Sr. Adv.

Mrs. Kiran Bhardwaj, Adv.

Mr. B.K. Prasad, Adv.

Mr. P.Parmeswaran, Adv.

For Respondent(s)

Ms. Meenakshi Arora, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Civil Appeals are dismissed for non-prosecution. However, if the appellant files the fresh paper book, as directed by this Court's order dated 3.5.2006, within one month from today, then he may file an application for restoration of the appeals.

(Parveen Kr. Chawla)

(Rajesh Dham)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1453-1458 OF 2001

Commissioner of Central Excise, Ahmedabad

..Appellant

Versus

Damodar Poly Fab (P) Ltd. & Others

..Respondents

O R D E R

On 3rd May, 2006, this Court passed the following order:

"The appellant will prepare an informal paper book which may be typed, xeroxed or cyclostyled or produced by any such like method containing the records relating to case and will also include (1) copy of the original show cause notice relating to the classification dispute between the parties which was resolved by the Tribunal's order dated 29.9.92, (2) copy of the assessment order/orders assessing the respondent to

duty under Tariff Heading 3920.32, (3) copy of the two writ petitions filed by the respondent referred to by the Commissioner in his order dated 26.12.94 of which one writ petition was disposed of by directing the Assistant Collector to determine the duty amount under Chapter 39 as well as the amount of MODVAT credit available and the other writ petition requesting the benefit of MODVAT credit filed by the respondent and (4) copies of the orders of the Tribunal dated 29.9.92 as well as of the High Court disposing of the two writ petitions referred to above, within a period of four weeks.

List thereafter."

Fresh paper book, as directed by this Court, has not been filed.

This is the eighth case on the list for today, seven cases have already been adjourned at the request of the Union of India.

The Civil Appeals are dismissed for non-prosecution. However, if the appellant files the fresh paper book, as directed by this Court's order

dated 3.5.2006, quoted above, within one month from today, then he may file an application for restoration of the appeals.

.....J

[ASHOK BHAN]

NEW DELHI;

.....J.

JULY 11, 2006.

[MARKANDEY KATJU]

