

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. 5193 OF 1998@@
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MYSORE BREWERIES LTD. APPELLANT(S)

Versus

COLLECTOR OF CUSTOMS, CHENNAI RESPONDENT(S)

(With office report)

Date: 21/08/2001 This appeal was called on for hearing today.

CORAM:
HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant(s) Mr. Joseph Vellappally, Sr. Adv.
Mr. K.C. Sudarshan, Adv.
Mr. M.A. Chinnaswamy, Adv.

For Respondent(s) Mr. N.K. Bajpai, Adv.
Mr. Dileep Tandon, Adv.
Mr. B. Krishna Prasad, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2
The appeal is disposed of.

.SP1
Kalyani. (S.L. GOYAL)@@
AA
COURT MASTER @@
A AA

(Signed Order is placed on the file.)

.PL58

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5193 OF 1998@@
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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

Mysore Breweries Ltd. Appellant

Versus

Collector of Customs, Chennai Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2

Upon hearing the submissions made on behalf of the parties and on perusal of the decision of this Court in Eicher Tractors Ltd. Haryana Vs. Commnr. of@@
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Customs, Mumbai 2001 (1) SCC 315. We do feel expedient@@
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to recall that by reason of certain disputed issues on facts the better course would be to remit the matter to the Tribunal, as the tribunal did not have the opportunity to consider the decision of this Court in Eicher Tractors (supra).@@
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In that view of the matter, the matters are remitted to the tribunal for reconsideration in terms of the law laid down by this Court. It is for the tribunal to record that all the issues are left open and this is without prejudice to the rights and other contentions of the parties. The judgment of the tribunal is set aside

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and the matter is remitted back to the tribunal. The appeal is disposed in the aforesaid terms.

.SP1

.....J
(U.C. BANERJEE)

New Delhi,
August 21, 2001.

.....J
(SHIVARAJ V. PATIL)