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C.A.No. 72-73 OF 2001

ITEM No. 101

Court No. 3

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos. 72-73 OF 2001

COMMNR. OF CENTRAL EXCISE, MUMBAI

Appellant (s)

VERSUS

M/S SOMNATH PRODUCTS

Respondent (s)

(With office report)

Date : 22/01/2003 This/These Appeal(s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant (s) Mr. Soli J. Sorabjee, A.G.

Mr. K. Swami, Adv.

Mr. K.C. Kaushik, Adv.

Mr. B. Krishna Prasad, Adv.

For Respondent (s) Ex-parte

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

Heard the learned Attorney General for five minutes.

The appeals are allowed and the matters are remitted to the Tribunal for deciding the same on merits in accordance with law.

KALYANI (JANKI BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 72-73 OF 2001

COMMNR. OF CENTRAL EXCISE, MUMBAI

..... APPELLANT (S)

VERSUS

M/S SOMNATH PRODUCTSRESPONDENT (S)

O R D E R

Heard the learned Attorney General for the appellant-Department.

The Tribunal by judgment and order dated 3rd November, 1999, dismissed Appeal No. E/463-R/99-B arising out of Order in Appeal No. YG/744/M.II/98 dated 29th October, 1998 passed by the Commissioner of Central Excise [Appeals], Mumbai, filed by the appellant in view of the judgment rendered by this Court in Commnr. Of Central Excise, Vadodara Vs. Cotspun Ltd. (113) ELT 353.

In view of amended Section 11A of the Customs Act and the judgment of this court in Civil Appeal No. 2693/2000 entitled M.s Easland Combines, Coimbatore Vs. The Collector of Central Excise, Coimbatore delivered on 13th January, 2003, these appeals are allowed and the matters are remitted to the Tribunal for deciding the same on merits in accordance with law.

.....J(M.B. SHAH)

.....J
(ASHOK BHAN)

.....J
(ARUN KUMAR)

NEW DELHI;
JANUARY 22, 2003.