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C.A.No. 4871 OF 2000
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM No.101 COURT No. 2 SECTION XVI

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. 4871 of 2000@@
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Collector of Central Excise, Guntur Appellant(s)

VERSUS

M/s. National Projects Cosnts. Corpn. Ltd. Respondent(s)

(With appln.(s) for dismissing the appeal on behalf of Resp. and
permission to place addl. documents on record and office report)
(For directions)

Date : 25/04/2001 This appeal was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant (s) Mr. Harish N. Salve, S.G.
Ms. Nisha Bagchi, Adv.
Mr. K.C. Kaushik, Adv.
Mr. B.K. Prasad, Adv.
for Mr. P. Parmeswaran, Adv.

For Respondent(s) Ms. Urmila Sirur, Adv.

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

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.SP2

The civil appeal is allowed.
No order as to costs.

.SP1 (N. Annapurna) (Shelly Sengupta)
Court Master Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. 4871 OF 2000@@
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C.C.E., Guntur

....Appellant(s)

versus

M/s. National Projects Construction Corpn. Ltd. ...Respondent(s)

O R D E R@@
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The respondent is a public sector Corporation. It appears that by reason of refusal of permission to prosecute the respondent's appeal before the Tribunal by the Committee on Disputes, the respondent did not appear before the Tribunal, but the Tribunal decided the appeal in its favour, in its absence. It is not now disputed that, in the circumstances, the order of the Tribunal that is under challenge in this appeal must be set aside on this ground alone. Consequently, this appeal filed by the Commissioner of Central Excise, who had also been refused permission, does not survive for consideration on merits.

In these circumstances, the appeal is allowed, the order of the Tribunal that is under challenge is set aside, insofar as it concerns the respondent, and the order of the Collector dated ...2/

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28th March, 1990 is restored.

No order as to costs.

.SP1

.....J.
(S.P. Bharucha)

.....J.
(V.N. Khare)

.....J.
(N. Santosh Hegde)

.....J.
(Y.K. Sabharwal)

.....J.
(Shivaraj V. Patil)

New Delhi,
April 25, 2001.