

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6788 OF 2003

MAHAWAR STEEL & ALLOYS TRADING PVT. LTD. APPELLANT(S)

VERSUS

COMMISSIONER OF CENTRAL EXCISE RESPONDENT(S)

O R D E R

This civil appeal is covered by the decision of this Court in "*Commissioner of Central Excise, Chandigarh v. Doaba Steel Rolling Mills*", (2010) 14 SCC 751. However, the appellant had challenged Rule 5 of the Hot Re-rolling Steel Mills Annual Capacity Determination Rules, 1997 (for short, "1997 Rules") before the High Court much before the impugned order came to be passed.

2. Civil Appeal is dismissed. However, it is clarified that the impugned order shall be subject to the validity of Rule 5 of the 1997 Rules, which is to be decided by the High Court

...2/-

in D.B. Civil Writ Petition No.5235 of 1999. No
costs.

.....CJI.
(R.M. LODHA)

.....J.
(KURIAN JOSEPH)

NEW DELHI;
AUGUST 13, 2014

.....J.
(ROHINTON FALI NARIMAN)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).7802-7803 OF 2014
(Arising out of SLP(C) Nos.32188-32189 of 2012)

R.S. INFRA-TRANSMISSION LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT (S)

WITH

CIVIL APPEAL NO(S).8066-8067 OF 2014
(Arising out of SLP(C) Nos.22870-22871 of 2014 @ C.C.No.14066/2012)

R.S. INFRA-TRANSMISSION LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT (S)

CIVIL APPEAL NO(S).7804-7805 OF 2014
(Arising out of SLP(C) Nos. 32190-32191/2012)

MAHAVAR STEELS & ALLOYS
TRADING (PRIVATE) LTD. APPELLANT (S)

VERSUS

UNION OF INDIA AND OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7809-7810 OF 2014
(Arising out of SLP (C) Nos.32192-32193/2012)

M/S RANKA STEEL RE-ROLLING MILLS PVT. LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT (S)

...2/-

CIVIL APPEAL NO(S).7811-7812 OF 2014
(Arising out of SLP (C) Nos.32194-32195/2012)

M/S. MAHENDRA STEEL INDUSTRIES APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7813-7814 OF 2014
(Arising out of SLP (C) Nos.32196-32197/2012)

M/S. RAJASTHAN IRON STEEL
RE-ROLLERS ASSOCIATION APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7815-7816 OF 2014
(Arising out of SLP (C) Nos.32198-32199/2012)

M/S. HIM KUNDAN STEEL
RE-ROLLING MILLS PVT. LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7817-7818 OF 2014
(Arising out of SLP (C) Nos.32201-32202/2012)

M/S. JAI SHREE ROLLING MILLS PVT. LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

...3/-

CIVIL APPEAL NO(S).7819-7820 OF 2014
(Arising out of SLP (C) Nos.32203-32204/2012)

M/S. JSB STEEL ROLLING MILS (P) LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7821-7822 OF 2014
(Arising out of SLP (C) Nos.10627-10628/2013)

M/S. APOLO STEEL RE-ROLLING MILLS APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7823 OF 2014
(Arising out of SLP (C) No.3808/2014)

M/S. BHUWALKA STEEL INDUSTRIES LTD. & ANR. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7824 OF 2014
(Arising out of SLP (C) No.17220/2014)

M/S. DECCAN ALLOYS PRIVATE LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

CIVIL APPEAL NO(S).7825 OF 2014
(Arising out of SLP(C) No.17219/2014)

M/S. BHUWALKA ALLOYS PRIVATE LTD. APPELLANT (S)

VERSUS

UNION OF INDIA & OTHERS RESPONDENT (S)

O R D E R

Delay condoned.

2. Leave granted.

3. After arguing for some time, learned senior counsel for the parties agree that the High Court ought to have considered the legality and constitutionality of Rule 5 of the Hot Re-rolling Steel Mills Annual Capacity Determination Rules, 1997 (for short, "1997 Rules") as the decision of this Court in "*Commissioner of Central Excise, Chandigarh v. Doaba Steel Rolling Mills*", (2010) 14 SCC 751, has no application in the present situation. They submit that in *Doaba Steel Rolling Mills'* case (supra) the legality and constitutional validity of Rule 5 of 1997 Rules was not put in issue.

4. Learned counsel are right in their submission as the judgment of this Court in *Doaba*

...5/-

Steel Rolling Mills (supra) (para 20 of the report at page 758) clarifies as under :

"Before addressing the contentions advanced by the learned counsel for the parties, it is essential to note at the outset that in all these appeals, there is no challenge to the validity of Rule 5 of the 1997 Rules inserted vide Notification dated 30-8-1997 and, therefore, we are only required to interpret it and examine the width of its application."

5. In view of the above, the impugned orders are set aside. The writ petitions are restored to the files of the respective High Courts for fresh hearing and disposal in accordance with law.

6. Civil appeals are allowed as above. No costs.

.....CJI.
(R.M. LODHA)

.....J.
(KURIAN JOSEPH)

NEW DELHI;
AUGUST 13, 2014

.....J.
(ROHINTON FALI NARIMAN)

ITEM NO.103

COURT NO.1

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 No(s). 6788 OF 2003

MAHAWAR STEEL & ALLOYS TRADING PVT. LTD.

Appellant(s)

VERSUS

COMMISSIONER OF CENTRAL EXCISE

Respondent(s)

(With appln. (s) for stay and office report)

WITH

SLP(C) No. 32188-32189/2012

(With Office Report)

S.L.P. (C) ...CC No. 14066/2012

(With Office Report)

SLP(C) No. 32190-32191/2012

(With Office Report)

SLP(C) No. 32192-32193/2012

(With Office Report)

SLP(C) No. 32194-32195/2012

(With Office Report)

SLP(C) No. 32196-32197/2012

(With Office Report)

SLP(C) No. 32198-32199/2012

(With Office Report)

SLP(C) No. 32201-32202/2012

(With Office Report)

SLP(C) No. 32203-32204/2012

(With Office Report)

SLP(C) No. 10627-10628/2013

(With Office Report)

SLP(C) No. 3808/2014

(With appln.(s) for permission to file additional documents and exemption from filing legible copies of dim annexures)

SLP(C) No. 17220/2014

(With appln.(s) for permission to file additional documents)

SLP(C) No. 17219/2014

(With appln.(s) for permission to file additional documents)

Date : 13/08/2014 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s)

Mr. Dushyant Dave, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Vasav Anantharaman, Adv.
Ms. Mahima Sareen, Adv.

Mr. S.K. Bagaria, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Vasav Anantharaman, Adv.
Mr. K. Ajit Singh, Adv.
Ms. Mahima Sareen, Adv.

Mr. K. L. Janjani, Adv.
Mr. C. Hari Shanker, Adv.
Dr. Vinod Tewari, Adv.
Mr. Pankaj Kumar Singh, Adv.

Mr. V. Lakshmi Kumaran, Adv.
Mr. Alok Yadav, Adv.
Mr. M. P. Devanath ,Adv.

For Respondent(s)

Mr. K. Radhakrishnan, Sr. Adv.
Mr. Arijit Prasad, Adv.
Mr. Rupesh Kumar, Adv.
For Mr. B. Krishna Prasad ,Adv.

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

Civil Appeal No. 6788 OF 2003

Civil Appeal is dismissed in terms of the
signed order.

C.A...@ S.L.P. (C) ...@ CC No. 14066/2012, SLP (C) Nos.
32188-32189/2012, 32190-32191/2012, 32192-32193/2012,
32194-32195/2012, 32196-32197/2012, 32198-32199/2012,
32201-32202/2012, 32203-32204/2012, 10627-10628/2013,
3808/2014, 17220/2014 and 17219/2014

Delay condoned in SLP(C) C.C. No.14066 of 2012.

Leave granted.

Civil appeals are allowed in terms of the
signed order.

Pending Interlocutory Applications, if any,
shall stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Renu Diwan)
Court Master

(Two signed orders are placed on the file.)