

ITEM NO.103

COURT NO.14

SECTION IV-A

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). 1765/2009

COMMISSIONER OF CENTRAL EXCISE, MANGALORE

Appellant(s)

VERSUS

M/S KONKAN MARINE AGENCIES

Respondent(s)

WITH

SLP(C) No. 12607/2011 (III)

C.A. No. 10763/2017 (IV-A)

(only FOR STAY APPLICATION ON IA 72872/2017
IA No. 72872/2017 - STAY APPLICATION)

SLP(C) No. 3501/2015 (XII-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2014
FOR CONDONATION OF DELAY IN REFILING ON IA 2/2014
IA No. 1/2014 - CONDONATION OF DELAY IN FILING
IA No. 2/2014 - CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS)

C.A. No. 10787/2016 (XI-A)

C.A. No. 3349/2017 (IV-A)

(FOR FOR STAY APPLICATION ON IA 2/2017
IA No. 2/2017 - STAY APPLICATION)

C.A. No. 4576/2017 (IV-A)

(FOR STAY APPLICATION ON IA 2/2017
IA No. 2/2017 - STAY APPLICATION)

SLP(C) No. 7482/2012 (IV-A)

C.A. No. 9888/2011 (IV-A)

C.A. No. 5928-5936/2011 (IV-A)

C.A. No. 9887/2011 (IV-A)

C.A. No. 5966/2011 (IV-A)

C.A. No. 5020-5022/2008 (III)

Date : 22-02-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Ms. Nisha Bagchi, Adv.
Ms. Rashmi Malhotra, Adv. Adv.
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Ms. B. Sunita Rao, Adv.
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For Respondent(s)

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Mr. Siddarth Vasudev, Adv.

Mr. K.S. Ravi Shankar, Sr. Adv.
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Mr. CR Raghavendra, Adv.
Mr. Bhanu Murthy, Adv.
Mr. Naveen Kumar, Adv.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Pathak, Adv.
Ms. Meera Mathur, AOR

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

Learned counsel for the appellant(s) prays some time to obtain instructions and also for preparing the matter.

It is pointed out by the learned counsel for the respondent(s) that some cases are of low tax effect or nil tax effect. It is stated that two special leave petitions have been preferred against the order(s) passed by the High Court holding that that the appeal(s) was not maintainable as the dispute relates to classification and hence the appeal(s) should have been preferred before the Supreme Court and not before the High Court. We have recorded the submissions made by the respondent(s) so that the counsel for the appellant(s) will examine these issues and take appropriate steps and instructions. Relist after three weeks.

Parties are permitted to file written submissions not exceeding four pages along with the relied upon judgments.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILY)
COURT MASTER (NSH)