

C.A.No. 52 OF 2001

ITEM NO. 117

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 NO. 52 OF 2001@@
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COMMISSIONER OF CUSTOMS, AIR CARGO UNIT APPELLANT(S)

Versus

M/S DEWAN CHAND SATYAPAL AGARWAL
IMAGING & RESEARCH CENTER 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. Soli J. Sorabjee, AG
Mr. N.K. Bajpai, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. V. Sridharan, Adv.
Mr. A.P. Madhav Rao, Adv.
Mr. M.P. Devanath, Adv.
Mr. Alok Yadav, Adv.
Mr. V. Balachandran, 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 allowed in terms of the signed order.
There will be no order as to costs.

.SP1

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

(Signed Order is placed on the file.)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 52 OF 2001@@
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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

Commissioner of Customs, AIR Cargo Unit Appellant

Versus

M/s Dewan Chand Satyapal Agarwal
Imaging & Research Center Respondents

O R D E R@@
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.SP2

The issue involved in this matter stands covered by a decision of Three Judge Bench of this Court in CA No. 2680 of 2000 entitled Commissioner of Customs@@
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(Import), Mumbai Vs. M/s Jagdish Cancer & Research@@
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Centre decided on 2nd August, 2001.@@
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Since the matter stands covered by this judgment, as noticed above, the pleas raised by M/s Dewan Chand Satyapal Agarwal Imaging & Research Centre fail and the order of the CEGAT is not sustainable. In the result, the appeal is allowed, the order of the tribunal is set aside and that of the Commissioner of Customs, New Delhi is restored. There will be no order as to costs.

.SP1

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

New Delhi,
August 21, 2001.J
(SHIVARAJ V. PATIL)