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C.A.No. 1849-1850 OF 2000

.PL70

ITEM No.3

Court No. 2

SECTION III
A/N MATTER

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

I.A.No.3-4 in Civil Appeal No.1849-1850/2000

COMNR. OF CENTRAL EXCISE, SURAT-I

Appellant (s)

VERSUS

M/S. GUJARAT INSECTICIDES LTD.
(For stay) (With office report)

Respondent (s)

Date : 09/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant (s) Mr. R.N. Trivedi, A.S.G.
Mr. Hemant Sharma, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent (s) Mr. Ashok Desai, Mr.S.K.Misra, Sr.Advs.
Mr. S.K. Sharma, Adv. @@

[Mr. K.V. Mohan, Adv.]

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

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The operation of the impugned judgment shall remain stayed. It is, however, clarified that this stay order shall not entitle the applicants to lay any claim for recovery of any arrears of duty on the basis of the circular, which had been struck down by the High Court, as accruing till date. Similarly, the question of refunding of any amount, if already recovered, from any of the members of the respondent shall also not arise. The question with regard to arrears etc. shall be decided at the final disposal of the appeals.

.SP1

(N. Annapurna)
Court Master

(Shelly Sengupta)
Court Master