

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NOS.5204-5205 OF 2012

M/S HEM CHAND GUPTA & SONS & ANR. . . . .APPELLANTS

VERSUS

COMMR. OF CUSTOMS . . . . .RESPONDENT

WITH

C.A. Nos.5206-5207 2012

O R D E R

Mr. Saurabh Kirpal, learned counsel appearing for the appellants, fairly states that the appellant will furnish a Bank Guarantee for 25% of the amount in question, i.e. the amount directed to be deposited as a pre-requisite for entertaining the appeal pending before CESTAT, within ten days from today. Such offer, in lieu of actual deposit is not resisted by Mr. P.S. Patwalia, learned Additional Solicitor General appearing for the respondent, because admittedly the appeal has been heard and is pending only for judgment.

Hence these appeals are disposed of with direction that the appellants shall furnish Bank Guarantee as noticed above within ten days from today.

It is made clear that in the event the appellants succeed in the pending appeal then the Bank Guarantee shall be returned. But

if the order goes against the appellants then the amount of the Bank Guarantee shall be appropriated. It is also made clear that even if the appellants prefer further appeal, they shall not object to invocation of the Bank Guarantee.

It goes without saying that for determining the amount of Bank Guarantee, adjustment shall be made of the amount already deposited.

.....J  
[M. Y. EQBAL]

.....J  
[SHIVA KIRTI SINGH]

NEW DELHI;  
DECEMBER 16, 2014.

ITEM NO.1

COURT NO.10

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.85/2012

GEE DEE INTERNATIONAL

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

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

WITH W.P. (Crl.) No.86/2012

(With appln.(s) for directions and Office Report)

C.A. Nos.5204-5205/2012 (With Office Report)

C.A. Nos.5206-5207/2012 (With Office Report)

Date : 16/12/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Saurabh Kirpal, Adv.  
Dr. G.K. Sarkar, Adv.  
Ms. Malabeka Sarkar, Adv.  
Mr. Prashant Srivastava, Adv.  
Mr. Watam Sharma, Adv.  
For Mr. Nikhil Jain, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.  
Mr. K. Radhakrishnan, Sr. Adv.  
Mr. Rajiv Nanda, Adv.  
Mr. R.K. Verma, Adv.  
For Mr. B. Krishna Prasad, Adv.

UPON hearing the counsel the Court made the following  
O R D E RWrit Petition (Crl.) Nos.85 and 86 of 2012

Mr. Saurabh Kirpal, learned counsel appearing for the writ petitioner, seeks permission for withdrawal of these petitions. Accordingly, these writ petitions are dismissed as withdrawn.

C.A. Nos.5204-5205/2012 and C.A. Nos.5206-5207/2012

These appeals are disposed of in terms of the signed order.

(SANJAY KUMAR-II)  
COURT MASTER

(INDU POKHRIYAL)  
COURT MASTER

(Signed order is placed on the file)