

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). 5542-5544 OF 2008

COMMR.OF CENTRAL EXCISE,SURAT-II

Appellant (s)

VERSUS

M/S BHAGAT EXPORTS

Respondent(s)

(With appln(s) for stay,condonation of delay in filing appeal.  
and office report )

Date: 01/10/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s)

Mr.Mohan Parasaran,ASG,  
Mr. Kishan Kumar,Adv.  
Ms.Rashmi Malhotra,Adv.  
Mr.B.K.Prasad,Adv.  
Mr. B.V. Balaram Das,Adv.

For Respondent(s)

Mr.Pratap Venugopal,Adv.  
Mr.Ramesh Singh,Adv.  
Mr.Puroshottam Kumar Jha,Adv.  
Mr.Varun Singh,Adv.  
Ms.Namarath Sood,Adv.  
M/S. K.J. John & Co.,Adv.

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

Delay condoned.

The appeals are dismissed in terms of the signed order.

(KUSUM SYAL)  
SR.P.A.

(RENU DIWAN)  
COURT MASTER

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

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O R D E R

Delay condoned.

The Additional Solicitor General appearing for the appellant has fairly stated that the issues raised herein are covered by the decision of this Court in Commissioner of Central Excise, Surat versus M/s.Amitex Silk Mills & Anr., (Civil Appeal No. 2266 of 2006), which was decided by this Court on 16.8.2007. The Review Application which was filed by the Department as against the aforesaid judgment has also since been dismissed. Since the Supreme Court has already decided issues raised therein in favour of the assessee and against the Department, we find no merit in these appeals, which are accordingly dismissed.

.....J  
(DR.MUKUNDAKAM SHARMA)

.....J  
( ANIL R.DAVE)

NEW DELHI  
OCTOBER 1, 2010