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C.A.No. 387 OF 2001

ITEM No.204

Court No. 1

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

Civil Appeal No.387 of 2001@@
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CAMLIN LTD

Appellant (s)

VERSUS

COMMNR. OF CENTRAL EXCISE, MUMBAI

Respondent (s)

(With Appln(s). for stay)
(For Final Disposal)

Date : 05/10/2001 This Appeal was called on for hearing today.

CORAM :

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

For Appellant (s) Mr. Joseph Vellapally, Sr. Adv.
Mr. Arvind Kumar, Adv.
Ms. Sujata Kurdukar, Adv.

For Respondent (s) Mr. K.N. Raval, ASG.
Mr. Rajiv Nanda, Adv.
Mr. B. Krishna Prasad, Adv.

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

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The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

Civil Appeal No. 387 of 2001@@
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Camlin Limited ...Appellant (s)

Versus~

Commissioner of Central Excise, MumbaiRespondent (s)

O R D E R@@
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The order on the appeal stated that the matter might be disposed of at this stage by setting aside the order under challenge and restoring the appeal to the Tribunal to be heard and disposed of on merits.

The order that is under challenge relates to alleged short levy of duty. It appears that on the issue of the classification of the product, the appeal filed by the Department is pending before the Tribunal. It is appropriate that the decision on classification should precede the decision on alleged short levy.

The civil appeal is, therefore, allowed. The order under challenge is set aside. The appeal (No.E/2312/R/99 Mum) is restored to the file of the Tribunal (Bench at Mumbai) to ...2/-

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be heard and disposed of along with Appeal No.E/3179/R/99 Mum, filed by the Department.

We express no opinion on the merits of the case in either matter.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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New Delhi,
October 05, 2001.