

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3668 OF 2010
(Arising out of S.L.P.(C) No.26946/2008)

C.C.E., Haldia ...Appellant(s)

Versus

M/s. Shamon Galva & Colortec Pvt. Ltd. ...Respondent(s)

O R D E R

Leave granted.

By consent, the matter is taken up for final hearing.

Subsequent to the impugned order, this Court has examined the issue involved in this Civil Appeal, namely, whether the Tribunal was right in reducing penalty levied under Section 11AC of the Central Excise Act, 1944. This issue is covered by the judgment of this Court in Union of India Vs. Rajasthan Spinning and Weaving Mills, reported in (2009) 13 SCC 448.

Accordingly, the impugned judgment of the Tribunal is set aside and the matter is remitted to the Tribunal for fresh consideration in terms of our afore-stated judgment. Liberty is given to both sides to raise all relevant contentions before the Tribunal.

Accordingly, Civil Appeal stands disposed of. No order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(SWATANTER KUMAR)

New Delhi,
April 23, 2010.
ITEM NO.35

COURT NO.2

SECTION III

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

Petition(s) for Special Leave to Appeal (Civil) No(s).26946/2008

(From the judgement and order No.A/182/Kol/08 dated 29/01/2008 in CEA No.751/2004 of the CESTAT, KOLKATA)

C.C.E., HALDIA Petitioner(s)

VERSUS

M/S.SHAMON GALVA & COLORTEC PVT.LTD. Respondent(s)

(With appln(s) for permission to accept lengthy list of dates)

Date: 23/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Gopal Subramaniam, S.G.
Mr. Devansh Mohta, Adv.

Mr. T.A. Khan, Adv.
Mr. B.K. Prasad, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s) Mr. Partha Sil, Adv.
Mrs. Jayati Chaudhary, Adv.
Mr. Kunal Chatterji, Adv.

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

Leave granted.

Civil Appeal stands disposed of in terms of the
signed order. No order as to costs.

(N. Annapurna)
AR-cum-PS

(Madhu Saxena)
Asstt. Registrar

(Signed order is placed on the file)