

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8085 OF 2009

BHARAT HOSPITAL AND INST. OF ONCOLOGY

Appellant (s)

VERSUS

COMMISSIONER OF CUSTOMS

Respondent(s)

O R D E R

Mr. Bhatt, learned counsel appearing for the Respondent has raised a preliminary objection with regard to the maintainability of the appeal. It is submitted by him that the Appellant has filed the appeal against the order passed by the CESTAT whereas an appeal therefrom could have been filed before the concerned High Court.

The counsel appearing for the Appellant, however, states that he is willing to go to the High Court provided all issues that are raised in this appeal are kept open to be urged before the High Court. We see no impediment in allowing the said prayer of the Appellant. We dispose of this petition with the liberty to the Appellant to approach the High Court with appropriate appeals, which shall be filed within six weeks.

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The present appeal is disposed of as withdrawn with the liberty as prayed.

.....J
(Dr. MUKUNDAKAM SHARMA)

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

NEW DELHI,
MARCH 3, 2011

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ITEM NO.3

COURT NO.14

SECTION III

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). 8085 OF 2009

BHARAT HOSPITAL AND INST. OF ONCOLOGY

Appellant (s)

VERSUS

COMMISSIONER OF CUSTOMS

Respondent(s)

(With appln(s) for stay and office report)

Date: 03/03/2011 This Appeal was called on for hearing today.

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

For Appellant(s) Mr. Arjun Krishnan, Adv.
Mr.Gaurav Agrawal,Adv.

For Respondent(s) Mr. R.P. Bhatt, Sr. Adv.
Ms. Binu Tamta, Adv.
Mr. Rahul Kaushik, Adv.
Mr. B. Krishna Prasad,Adv.

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

The Civil Appeal is disposed of as withdrawn in terms
of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)