

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).33564/2009
(From the judgement and order dated 24/06/2009 in CEA No.
45/2009 of The HIGH COURT OF BOMBAY)

COMMR.OF CEN.EXC.RAIGAD COMMISSIONERATE
NAVI MUMBAI

Petitioner(s)

VERSUS

M/S PUSHPAMAN FORGINGS

Respondent(s)

(With prayer for interim relief)
(FOR FINAL DISPOSAL)

Date: 03/12/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. V. Shekhar, Sr. Adv.
Ms. Shalini Kumar, Adv.
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. Jay Savla,Adv.
Mr. Sumit Ghosh, Adv.
Ms. Meenakshi Ogra, Adv.

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

Leave granted.

The civil appeal is disposed of in terms
of the signed order with no order as to costs.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master

(ONE SIGNED ORDER IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10269 OF 2010
[Special Leave Petition (Civil) No. 33564 of 2009]

COMMISSIONER OF CENTRAL EXCISE,
RAIGAD COMMISSIONERATE,
NAVI MUMBAI

...APPELLANT

VERSUS

M/S PUSHPAMAN FORGINGS

...RESPONDENT

ORDER

Leave granted.

Learned counsel for the parties are agreed that in light of the decision of this Court in Commnr. of Central Excise Vs. M/s Gujarat Narmada Fertilizers Co. Ltd. [2009 (11) SCALE 439], the impugned order cannot be sustained. They pray that the matter may be remitted back to the Adjudicating Authority for fresh adjudication in accordance with the principle of law laid down in the afore-noted decision.

Accordingly, the impugned judgment is set aside and the matter is remitted back to the Adjudicating Authority for fresh adjudication in accordance with law.

It will be open to the parties to urge all the contentions, as may be available to them, including the point of limitation, before the Adjudicating Authority.

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The appeal stands disposed of in the above terms with no order as to costs.

....., J.
(D.K. JAIN)

....., J.
(H.L. DATTU)

NEW DELHI
DECEMBER 03, 2010