

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3757 OF 2015  
(Arising out of SLP(C)No.2613 of 2009)

COMMISSIONER OF CUSTOMS (PORT)  
KOLKATA

...APPELLANT(S)

VERSUS

M/S. EASTERN SILK INDUSTRIES LTD.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO.3758 OF 2015  
(Arising out of SLP(C) No.2696 of 2009)

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court in Custom Appeal Nos.19 and 20 of 2007, dated 10.01.2008. By the impugned judgment(s) and order(s), the High Court dismissed the appeals filed by the appellant(s) on the ground of delay.

2. We have carefully perused the applications filed by the appellant before the High Court for condonation of delay of 242 days in filing the

appeals. We are satisfied with the reasons given by the appellant in the application for delay. In our opinion, the High Court ought to have condoned the delay and should have decided the appeals on merits. Since, this has not been done by the High Court, we take exception of the said order(s).

3. Accordingly, we allow these appeals and set aside the judgment(s) and order(s) passed by the High Court. We condone the delay in filing the appeals and restore the appeals on the file of the High Court and request the High Court to decide the appeals on merits in accordance with law.

.....CJI.  
(H.L. DATTU)

.....J.  
(ARUN MISHRA)

NEW DELHI,  
APRIL 17, 2015.

ITEM NO.46

COURT NO.1

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2613/2009

(Arising out of impugned final judgment and order dated 10/01/2008 in CA No. 19/2007 passed by the High Court of Calcutta)

COMMR.OF CUSTOMS (PORT) KOLKATA

Petitioner(s)

VERSUS

M/S EASTERN SILK INDUSTRIES LTD.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) No. 2696/2009

(With prayer for interim relief and Office Report)

Date: 17/04/2015      These petitions were  
called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)      Ms. Nisha Bagchi, Adv.  
                                 Ms. Binu Tamta, Adv.  
                                 Ms. Meenakshi Grover, Adv.  
                                 Ms. Pooja Sharma, Adv.  
                                 Mrs. Anil Katiyar, Adv.  
                                 Mr. B. Krishna Prasad, Adv.

For Respondent(s)      Ms. Ruby Singh Ahuja, Adv.  
                                 Ms. Deepti Sarin, Adv.  
                                 Ms. Suman Yadav, Adv.  
                                 For M/s. Karanjawala & Co.

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

Leave granted.

The appeals are allowed in terms of the  
signed order.

(Neetu Khajuria)  
Sr.P.A.

(Vinod Kulvi)  
Assistant Registrar

(Signed order is placed on the file.)