

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

Peti tio n (s) for Speci al Leave to Appe al (Civi l) No(s) . 4 5 5 3/ 2 0 0 9

(F r o m the judg me n t and order dated 17/06/2 0 0 8 in A.N o. 4 1/ 2 0 0 5
of the CE S T A T , K O L K A T A)

C.C. E., P A T N A

Peti tio n e r (s)

VER SU S

M/S A S H I R V A D E N T E R P R I S E S P . L T D.
)

Respo n d e n t (s)

(Wit h appl n. for c/delay in filing SL P and wi t h praye r for interi m relief and
office repor t)

Date: 20/07/2 0 0 9

This Peti tio n w a s called on for heari n g today.

COR AM :

HON'BLE MR. J U S T I C E S.H. K A P A D I A
HON'BLE MR. J U S T I C E A F T A B A L A M

Fo r Peti ti o n e r (s)

Mr. Mohan Par a s a r a n , A S G

Mr. Gau r a v Dhingr a, Ad v.

Ms. V. Mohan a, Adv.

Mrs. Anil Kati y a r , A d v .

Fo r Respo n d e n t (s)

Mr. Sud h i r Ku m a r Gup t a, A d v .

Mr. D.V. Pat h y, Ad v.

Mr. Manis h Gup t a, Ad v.

UPO N heari n g couns el the Cour t made the follo w i n g
O R D E R

Delay condon ed.

Leave gran te d.

The appeal is dispo sed of.

(S. Tha p a r)

(Madh u Saxen a)

PS to Regis t r a r

Cour t Maste r

The signed order is placed on the file.

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

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 4 5 6 3 O F 2 0 0 9

(A r i s i n g o u t o f S L P (C) N o . 4 5 5 3 o f 2 0 0 9)

COMMI S I O N E R O F C E N T R A L E X C I S E , P A T N A
A N T (S)

...A P P E L L

VER SU S

M/S A S H I R V A D E N T E R P R I S E S P V T . L T D.

...R E S P O N

O R D E R

Leave gran te d.

The imp u g n ed order, as far as the penal t y is concer n ed, is set aside. The mat t e r is remi t t e d to the Tribu n a l to recon s i de r the ques ti o n of penal t y in the light of the judg m e n t of this Cour t in the case of Union of India Vs. Rajas t h a n Spi n n i n g and Weavi n g Mills repor t ed in 20 0 9 (8) SC A L E 23 1. The appeal is dispo sed of accor di n gl y.

..... J .
[S.H. K A P A D I A]

Ne w Delhi,
J ul y 20, 20 0 9

..... J
[A F T A B A L A M]