

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

CIVIL APPEAL Diary No(s) . 47176/2023

(Arising out of impugned final judgment and order dated 05-07-2023 in CA No. 87903/2014 passed by the Custom Excise Service Tax Appellate Tribunal, West Zonal Bench At Mumbai)

COMMISSIONER OF CUSTOMS (PREVENTIVE) MUMBAI

Petitioner(s)

VERSUS

M/S RELIANCE INFRASTRUCTURE LTD

Respondent(s)

(IA No.1639/2024-CONDONATION OF DELAY IN FILING and IA No.1646/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.1647/2024-STAY APPLICATION and IA No.1644/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 22-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. N. Venketraman, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Sree Kumar C.N., Adv.
Mr. V.C. Bharathi, Adv.
Mr. Praveena Gautam, Adv.
Mr. Shashak Bajpai, Adv.
Mr. H.R.Rao, Adv.
Mr. Divyansh H. Rathi, Adv.

For Respondent(s) Mr. Kavın Gulati, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Ms. Sayaree Basu Malik, Adv.
Mr. Abhinabh Garg, Adv.
Mr. E. C. Agrawala, AOR

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

Learned counsel appearing for the petitioner submitted that a similar matter in C.A. No.9725/2014 is pending before this Court and this matter may also be tagged with the aforesaid case.

However, learned senior counsel appearing for the

contd..

respondent/Caveator brought to our notice the averments made on Page `D' as well as Page 50 of the Special Leave Petition stating that the CESTAT had failed to follow the judicial discipline by deciding the cases finally when the matter was pending before this Court.

We do not approve of such kind of aspersions being cast on the CESTAT or any other Tribunal/Court. Merely because the matter is pending before this Court as long as there is no direction not to hear similar cases before other Tribunals/courts passed by this Court, the pendency of a matter before this Court would not come in the way of other Tribunals/Courts deciding similar case.

Learned counsel for the petitioner submitted that an application/affidavit would be filed seeking deletion of the aforesaid paragraphs and/or any other averments casting aspersions on the Tribunal.

She is permitted to do so within a period of four weeks from today.

Delay condoned.

Issue notice to the respondent.

Shri E. C. Agrawala, learned counsel accepts notice for the respondent.

Tag with C.A. No.9725/2014.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)
COURT MASTER (NSH)