

ITEM NO.13 Court 6 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1480/2021 in C.A. No. 1600-1605/2018

M/S HERO MOTOCORP LIMITED Petitioner(s)

VERSUS

COMMISSIONER OF CENTRAL EXCISE DEHRADUN Respondent(s)

(FOR ADMISSION and IA No.102665/2021-APPROPRIATE ORDERS/DIRECTIONS)
IA NO. 131077/2021-APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS)

MA. D. NO. 3884/2021

Date : 08-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. S. Ganesh, Sr.Adv,
 Mr. Mahesh Agarwal, Adv.
 Mr. Srinivas Kotni, Adv.
 Mr. Ankur Saigal, Adv.
 Mr. Rishabh Parikh, Adv.
 Ms. Urvashi Kalra, Adv.
 Mr. E.C. Agrawala, AOR

For Respondent(s) Mr. Sanjay Jain, Ld. ASG
 Mr. Rupesh Kumar, Adv.
 Ms. Rukhmani Bobde, Adv.
 Mr. Anukalp Jain, Adv.
 Mr. M.K. Maroria, AOR
 Mr. B. Krishna Prasad, Adv.

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

Application for permission to file additional
documents is allowed.

I.A. NO. 102665/2021- DIRECTIONS

The impugned show cause notice dated 01.07.2021

is *ex facie* contrary to the judgment of this Court predicated on a rationale that the some applications had been filed seeking recall of that order even though the review petition has been dismissed on merits.

Issue notice.

In the meantime, the show cause notice dated 01.07.2021 is stayed.

Learned ASG accepts notice on behalf of the respondent.

We have cautioned the learned ASG, in view of the stand aforesaid that the endeavour in terms of impugned show cause notice may amount to willful disobedience to make recovery contrary to the judgment of this Court in the same matter which would entail natural consequences.

List on 12.11.2021.

M.A. D.NO. 3884/2021

Defects be removed within two weeks.

Subject to removal of defects, list the miscellaneous application along with MA. No. 1480/2021.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)