

ITEM NO.35                      Court 13 (Video Conferencing)                      SECTION XII-A

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). 28696/2017

(Arising out of impugned final judgment and order dated 28-08-2017 in CEA No. 149/2017 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

M/S. R.K. INFRA AND ENGINEERING (INDIA) PVT. LTD. Petitioner(s)

VERSUS

COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE  
HYDERABAD IV

Respondent(s)

(FOR ADMISSION and I.R. and IA No.113761/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 08-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)      Dr. M.V.K. Moorthy, Adv.  
   Mr. Hitendra Nath Rath, AOR

For Respondent(s)      Mr. K.M. Nataraj Ld. SG  
   Mr. M.K.Maroria, AOR  
   Mr. Tarkeshwar Nath, Adv  
   Mr. Ashish Rana, Adv  
   Mr. Shailesh Madiyal, Adv  
   Mr. Udai Khanna, Adv

Mr. B. Krishna Prasad, AOR

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

Learned senior counsel for the petitioner has strenuously argued that the aspect of hardship has not been considered by the Tribunal and the High Court where the Tribunal required the petitioner to make payment of additional amount of Rs. 1.60 crores, over and above the amount of Rs. 2 crores already deposited by the

petitioner. Though the pre-deposit amount at the rate of 7.5% was only about Rs.1.23 crores in relation to the liability of Rs.16.51 crores.

We have examined the order passed by the High Court whereby the exercise of discretion the Tribunal has not been interfered with by the High Court. After examining the matter in necessary detail.

We do not find any reason to entertain this petition under Article 136 of the Constitution of India. Therefore, this petition seeking special leave to appeal is required to be dismissed.

It is noticed that by the order dated 06.11.2017, this Court had stayed the operation of impugned orders to the extent of the deposit required by the order dated 22.06.2017.

The petition seeking special leave to appeal is dismissed. But, in the interest of justice, it is provided that the petitioner may make the requisite deposit within four weeks from today.

Subject to the relaxation this petition stands dismissed.

Pending application(s) stands disposed of.

(TUSHAR BISHT)  
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)  
BRANCH OFFICER