

ITEM NO.26

COURT NO.12

SECTION IX

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) Nos.31345-31348/2017

(Arising out of impugned final judgment and order dated 13-02-2017 in WP Nos.3414/2014, 3416/2014, 3417/2014 and 3412/2014 passed by the High Court of Judicature at Bombay)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

M/S DOLLY EXIM PRIVATE LTD. ETC.ETC.

Respondent(s)

(FOR ADMISSION and I.R.[TO BE TAKEN UP ALONGWITH DY NO. 32166/2018]

WITH SLP(C) No. 27500-27501/2018

Date : 18-12-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Nisha Bagchi, Adv.
Ms. Seema Bengani, Adv.
Mr. Prem Prakash, Adv.
Mr. Anas Zaidi, Adv.
For Mr. B. Krishna Prasad, AOR

For Respondent(s) Mr. Jay Savla, Sr. Adv.
Ms. Renuka Sahu, Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Mr. Rahul Gupta, AOR
Mr. Shubham Narula, Adv.

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

The preliminary objection is raised by the respondent on the issue that in terms of order passed by this Court on 18th September, 2017 (Annexure P-6 at page 708) what was permitted for the petitioner to do was to file an appeal under Section 35L of the Central Excise

Act, 1944 but instead they filed once again an appeal before the High Court which naturally could not have been entertained and was rejected. On the other hand learned counsel for the petitioner states that what they had filed before the High Court was seeking leave to appeal before the Supreme Court though the order passed by the High Court treated it as if it was an appeal as it was numbered so by the Registry.

We will have to deliberate on the aforesaid issue or any other issue which may arise.

Rejoinder affidavit be filed within three weeks.

List on a non-miscellaneous day in the month of March, 2020.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER