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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (LODG)NO.179 OF 2013
IN
WRIT PETITION NO. 172 OF 2012

M/s Suhas Textile Corporation ..Applicant
In the matter of
M/s Suhas Textile Corporation
Vs.
Commissioner of Customs Central Excise ..Respondent.

Mr. Prashant Kulkarni for Applicant.
Mr. Y.S. Bhate i/b S.D. Bhosale, for Respondent.

CORAM: B.R. GAVAI &
A.S. GADKARI, JJ.

DATE : 13th April 2015.

P.C.:

1 The Notice of Motion is taken out for seeking extension of period so fixed by the order of this Court dated 11th January 2013.

2 By the said order, the period for pre-deposit as directed by the Sales Tax was extended by three weeks from the date of the said order. Within that period the Applicant has deposited part amount. However, the amount of Rs.5 lacs was not deposited within the stipulated period.

3 An affidavit is filed in support of the motion. In the said affidavit, it is categorically stated that the Petitioner's wife was hospitalized due to brain-hemorrhage and she was bed-ridden due to which the Applicant could not raise the funds. However, now the Applicant is now in a position to arrange the funds and the Applicant has already deposited the said amount. However, the appeal was not entertained since an amount was not deposited within prescribed period.

4 Considering the grounds mentioned in the affidavit by the Applicant and being an exceptional case, we are inclined to grant indulgence in favour of the Applicant. In that view of the matter, the Notice of Motion is allowed. Since the amount is already deposited, the period so prescribed by the order of this Court is extended till the date on which the amount is deposited.

5 The Appeal is restored to file. The learned Tribunal is requested to decide the appeal on its own merits.

(A.S. GADKARI, J.) **(B.R. GAVAI, J.)**