

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO.751 OF 2010  
IN  
CENTRAL EXCISE APPEAL (L) NO.207 OF 2008**

|                                                                    |                 |
|--------------------------------------------------------------------|-----------------|
| The Commissioner of Central Excise,<br>Belapur, Navi Mumbai        | ... Appellant   |
| v/s                                                                |                 |
| M/s Deepak Fertilizers Ltd.,<br>K-1, MIDC, Taloja, District Raigad | ... Respondents |

Mr A.S. Rao for Appellant.  
None for Respondents.

**CORAM: S.C. DHARMADHIKARI &  
B.P. COLABAWALLA JJ.**

**DATE : 26TH OCTOBER 2015**

**P.C. :-**

1. In the light of the affidavit of service, it is clear that the Respondents are served, none appears on their behalf. The Registry has dismissed the Appeal because the objections raised were not removed. Thus, there is no compliance with the procedure set out in the Bombay High Court (O.S.) Rules.

2. Now, since the apology is tendered and the Appellant seeks an opportunity to satisfy the Court on merits of the Appeal, we proceed to grant the relief in terms of prayer clauses (a) and (b) of the Motion. There will be no order as to costs. Notice of Motion is disposed off.

**(B.P. COLABAWALLA, J.)**

**(S.C.DHARMADHIKARI J.)**