

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No. 08 of 2015

M/s Leben Laboratories Private Limited vs. Commissioner of Central Excise,
Customs and Service Tax, Wardha and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. S.V.Bhutada, Adv. for the petitioner.

Mr. S.K.Mishra, Sr. Standing Counsel for
respondents.

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR,JJ

DATE : 23.1.2015

Heard. Mr. S.V.Bhutada, learned counsel for the
petitioner and Mr. S.K.Mishra, Sr. Standing Counsel for the
Central Excise Department.

Mr. S.K.Mishra, the learned Sr. Standing Counsel
for the Central Excise Department states that the appeal would
lie under Section 35 (2) against the impugned order. He,
therefore, submits that since the petitioner has alternate
remedy, the petition would not be tenable.

We, therefore, reject the petition on the ground of availability of alternate remedy. However, in order to enable the petitioner to take recourse of alternate remedy available in law, interim order granted stands extended for the period of two weeks.

JUDGE

JUDGE

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