IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 626 OF 2009

M/s Hindustan Composites Ltd. .. Appellant

Versus

The Commissioner of Central Excise
and Customs Aurangabad .. Respondent

Shri Rajendra M. Sharma, Advocate for the Appellant.
Shri Alok Sharma, Advocate for the Respondent.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 11TH APRIL, 2016.

PER COURT :

. Mr. Alok Sharma, the learned counsel for the respondent states that, the appeal U/Sec. 35(G) of the Central Excise Act as it stood then is not maintainable and the appellant has remedy only U/Sec. 35(L) of the Central Excise Act.

2. The dispute as it appears is with regard to the assessment of the excise. The quantum of assessment i. e. upon the invoice value or otherwise.

3. In the light of that, Mr. R. M. Sharma, the learned counsel for the appellant seeks liberty to withdraw the appeal and file

appropriate appeal U/Sec. 35(L) of the Central Excise Act before the Apex Court. First appeal is as such disposed of with liberty as aforesaid. No costs.

[K. K. SONAWANE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/April 16