

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.317 OF 2012.

- 1 M/s Alpine Minmetals India Pvt. Ltd., a Company registered under the Companies Act, 1956, with its registered office at 108A, Orchid Business Park, 1st Floor, Sohna Road, Gurgaon, Haryana, represented by Petitioner No.2,
- 2 Shri Gagan Shukla, son of late Shri Ashok Shukla, aged 44 years, r/at D-3, Greenwood City, Sector 46, Gurgaon, Haryana, Managing Director, M/s. Alphine Minmetals India Pvt. Ltd. Petitioners.

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi 110 001.
2. The Superintendent of Central Excise, ASU/PMP, Panaji, Goa, Office of the Commissioner Central Excise and Customs, EDC Complex, Patto Plaza, Panaji, Goa. 403 001.
3. Commissioner of Central Excise and Customs, Office of the Commissioner Central Excise and Customs, EDC Complex, Patto Plaza, Panaji, Goa. 403 001.
4. State Trading Corporation, Jawahar Vyapar Bhavan, Tolstoy Marg, New Delhi. Respondents.

Shri S. Desai, Advocate for the petitioners.

Shri C. A. Ferreira, Advocate for the respondent nos.1, 2, 3.

**Coram:-F. M. REIS,
NUTAN D. SARDESSAI,JJ.**

Date: 21st June, 2016.

ORAL JUDGMENT (Per F. M. REIS, J)

After hearing the matter for some time Shri C. A. Ferreira, learned Counsel for the respondent nos.1, 2 and 3 points out that the above petition raises constitutional validity of an impugned notification dated 30/12/2011. The learned Counsel points out that the petitioners have also preferred an appeal before the Appellate Authority challenging the demand by the respondents of the dues in terms of the impugned notification and since appeal is still pending. The matter was being adjourned from time to time awaiting the decision in the appeal preferred by the petitioners which is not yet disposed off.

2. In such circumstances, we find it appropriate to dispose off the above petition by keeping all the contentions of the petitioners with regard to constitutional validity of the impugned notification dated 30.12.2011 open. The petitioners are at liberty to raise such contentions, if they so advised, in

case any adverse order is passed against the petitioners by the Appellate Authority.

3. With the above directions, Rule stands disposed off.

NUTAN D. SARDESSAI J.

F. M. REIS, J.

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