

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (L) NO.42 OF 2011
IN
CENTRAL EXCISE APPEAL NO.149 OF 2010**

Commissioner of Central Excise
Mumbai -V, Mumbai

.....Review Petitioner

V/s

M/s Jyoti Plastics Works Pvt. Ltd.

.....Review Respondent

Mr. Jitendra Mishra for the Review Petitioner in Notice of Motion
No.1697 of 2011.

None for the Review Respondent.

**CORAM: V. M. KANADE &
MRS MRIDULA BHATKAR, JJ.**

**DATE: 25th August, 2016
(In Chamber at 2.35 P.M.)**

P.C.:-

1. No ground is made out for reviewing our order dated 13/01/2011. This Court had dismissed the appeal taking into consideration Circular No.390/Misc./163/2010-JC dated 20/10/2010 in which it is stated that if the penalty amount is less than Rs 10 lakhs, appeal need not be pressed.

2. We are informed by the learned Counsel appearing for the

Review Petitioner that, in fact, policy decision has been taken by the Board that if the total amount including penalty is less than Rs 15 lakhs appeal should not be filed.

3. Review Petition is accordingly dismissed.

(MRIDULA BHATKAR, J.)

(V.M. KANADE, J.)