

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 893 OF 2015
IN
CENTRAL EXCISE APPEAL (L) NO. 67 OF 2015**

The Commissioner of Customs NS-IV	...Appellant
<i>Versus</i>	
M/s. Amba Expo Fab & Anr.	...Respondents

Mr. Pradeep S. Jetly, *for the Applicant/Appellant.*
Mr. Prakash Shah, *i/b Mr. Anil Balani, for the Respondents.*

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**
DATED: 18th January 2016

PC:-

1. Having heard both sides and perusing the Affidavit filed in support and reply, we are of the view that in the facts peculiar to this case and since another proceeding related to the main matter was pending for some time, that was disposed of on 31st March 2014. For the reasons which are beyond the control of the Applicant, we condone the delay. The explanation given cannot be said to be false or lacking in *bona fides*. The delay is, therefore, condoned.

2. The Notice of Motion is disposed of with no order as to costs.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)