

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 947 OF 2015
IN
CENTRAL EXCISE APPEAL (L) NO. 42 OF 2015**

Aafloat Textiles India Ltd.	...Appellant
<i>Versus</i>	
The Commissioner of Central Excise and Customs Vapi	...Respondent

Mr. Prakash Shah, *with Mr. Jas Sanghavi, i/b M/s. PDS Legal, for the Applicant/Appellant.*
Mr. Pradeep S. Jetly, *i/b Mr. A.S. Rao, for the Respondents.*

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

PC:-

1. The delay of 2703 days' occurred because the Applicants were facing proceedings, firstly under the Sick Industrial Companies (Special Provisions) Act, 1985. Upon an opinion of the Board under that Act, the Petitioner faced winding up proceedings. The Petitioner continued to be in winding up until a recent order passed by one of us (Mr. G. S. Patel, J.) setting it aside. That is the period that is consumed and taken and details of all proceedings are set out. There is no reason therefore to disbelieve any of the

statements made in the Affidavit in Support, particularly in paragraph 4.

2. In view of the same and the Applicant deserving a chance to satisfy this Court on the merits of the Appeal, that we condone this enormous delay.

3. The Notice of Motion is made absolute in terms of prayer clause (a). There will be no order as to costs.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)