

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 447 OF 2016
IN
CENTRAL EXCISE APPEAL NO. 83 OF 2005

The Commissioner of Central Excise,
Pune-1 .. Applicant

In the matter between
The Commissioner of Central Excise,
Pune-1 .. Appellant

v/s.
M/s. Balaji Tempo Ltd. .. Respondent

Mr. A.S. Rao for the applicant
Mr. Swanand Ganoo i/b Kanga & Co. for the respondent

**CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.**

DATED : 24th JUNE, 2016.

PC.

1. This notice of motion has been taken out by the applicant for recall of the order dated 21st November, 2015, by which Notice of Motion No.412 of 2015 was dismissed for non-prosecution.

2. The affidavit in support of the present Notice of Motion filed by the advocate indicates that on 21st November, 2015 he was unwell and was unable to attend to the application. We are satisfied with the

reasons mentioned in the affidavit in support of the present Notice of Motion and the only relief to which the applicant is entitled in this notice of motion is restoration of Notice of Motion No.412 of 2015 for fresh disposal.

3. Hence, Notice of Motion is allowed to the extent it seeks restoration of Notice of Motion No.412 of 2015 to the file of this Court.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)