

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CENTRAL EXCISE REFERENCE NO.1 OF 1997

[M/s. Vidarbha Tobacco Products Limited .vs. Customs, Excise and Gold (Control), Bombay and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Joshi, counsel for the non-applicants.

.....

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 14, 2016.

By this reference application under section 35 G (3) of the Central Excise and Salt Tax Act, 1944, the applicant-petitioner seeks a direction to the Customs, Excises and Gold (Control) Appellate Tribunal, West Regional Bench, Bombay to stay the case of the petitioner that was pending before the Tribunal and refer the questions of law mentioned in the reference application.

Since the Senior Advocate appearing on behalf of the applicant is no more and since the other counsel appearing for it does not appear to be in active practice, notice was issued to the petitioner for engagement of another counsel. The notice appears to have been duly served on the petitioner. However, none appears on behalf of the petitioner. It is most likely that the cause for filing the reference application must have been rendered infructuous, as this court had not granted stay to the proceedings pending before the Customs, Excises and Gold (Control) Appellate Tribunal. It appears that the applicant-petitioner is not interested in prosecuting the matter. Hence, the reference application is dismissed for want of prosecution with no order as to costs.

JUDGE

JUDGE