FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CENTRAL EXCISE APPEAL (cel) No. 22 OF 2014 WITH

M/s Triveni Coal Transport Pvt. Ltd.
v.
Union of India & ors.

CENTRAL EXCISE APPEAL (cel) No. 10 OF 2015

Karthikeya Bulk Movers Pvt. Ltd.
v.
The Commissioner, Customs & Central Excise, Ngp.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Courts's or Judge's orders

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Coram : B.P .Dharmadhikari and V.M.Deshpande, JJ.

Date : 27th JANUARY, 2016

These are admitted appeals. Counsel for respondents do not dispute that CESTAT has disposed of proceedings filed by the appellant by placing reliance upon the judgment of Orissa High Court in the case of **Coal Carriers vs. CCE&ST**, Bhubaneshwar reported in **2011 (24) STR 395 (Ori.)**.

Copy of the order passed by the Hon'ble Apex Court on 16.10.2015 in Civil Appeal Nos. 6038-6039 of 2007 is produced before us to show that the Hon'ble Apex Court has upset the judgment of Orissa High Court and the matter has been remanded back for its consideration by a

larger bench of CESTAT. Respective parties plead that similar orders may be passed in the present matters. We find that the Hon'ble Apex Court has directed the President of CESTAT to constitute a larger Bench immediately so that the controversy is decided finally within one year.

In this situation, we quash and set aside the impugned order passed by CESTAT in both the appeals, i.e. order dated 13.6.2014 in CEL No. 22/14 and order dated 20.11.2013 in CEL No. 10/15. The appeals filed by respective appellants before CESTAT at Mumbai are restored back to its file for its further consideration and disposal in accordance with the directions mentioned supra by the Hon'ble Apex Court.

In CEL 22/14, respondent no.3 WCL has field CAT No. 28/14 seeking its deletion. As the appeal itself is disposed of, the application is disposed of as infructuous.

JUDGE **JUDGE**

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