

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (T) No.161 of 2016**

1. M/s Sourabh Rolling Mills Private Limited, Accholi Road, Kanhera, Urla, Raipur (CG)
2. Pankaj Agrawal, S/o Shri Lalit Agrawal, aged about 35 yrs, Director, M/s Sourabh Rolling Mills Private Limited, Accholi, Road, Kanhera, Urla, Raipur (CG)

---Petitioners**Versus**

Union of India, Through Commissioner, Customs & Central Excise,
Central Excise Building, Dhamtari Road, Raipur (CG) 492 001

---Respondent

For petitioners	:	Mr.Ashish Surana, Advocate
For Respondent	:	Mr.Vinay Pandey, Standing Counsel

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**13/04/2017

Heard.

1. The petitioners while facing the offence for excise duty under the Central Excise Act, 1944 filed an application for supply of certain documents on 9.11.2016, that documents were not supplied to the petitioners and after filing of the writ petition that documents have been supplied.
2. Learned counsel for the petitioners would submit that by communication dated 10.11.2016 the respondent has held that the petitioners are not entitled to cross-examine the witnesses/co-noticee/officials though such an application has not been made for cross-examination and at present no such

application has been made and that too the impugned communication has been passed without claiming cross-examination.

3. On the other hand, learned Standing Counsel would oppose the writ petition.
4. The fact remains that the letter dated 9.11.2016 was only for supply of certain documents and that have been supplied. There was no occasion for the Department to reject the prayer for cross-examination of the witnesses as, at this stage, no such prayer has been made by the petitioners.
5. In view of above, the observation made in the communication dated 10.11.2016 is held to be inoperative. The petitioners are at liberty to move an appropriate application for cross-examination at appropriate stage. If such an application is filed, the respondent would be at liberty to pass an order in that application in accordance with law after hearing the petitioners.
6. With the aforesaid observation, the writ petition finally stands disposed off. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-