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

**CENTRAL EXCISE APPEAL NO.23 OF 2007**

Commissioner of Central Excise – Daman … Appellant
Vs.
M/s. Caprihans India Ltd. … Respondent

Ms. P.S. Cardoza for the Appellant.

Mr. Prakash Shah a/w Mr. Jas Sanghvi i/by PDS Legal for the Respondent.

**CORAM : A.S. OKA &**
**RIYAZ I. CHAGLA, JJ.**

**DATE : 19th SEPTEMBER, 2017**

**P.C.**

1 By this Appeal, the Revenue has taken an exception to the order dated 12th July, 2005 passed by the Customs, Excise and Service Tax Appellate Tribunal. The said Appeal was preferred by the Respondent in this Appeal. By the impugned order, the Appeal preferred by the Respondent was partly allowed.

2 The learned counsel appearing for the Respondent has placed on record a decision of the Apex Court dated 9th September, 2015 in Civil Appeal No.5239 of 2006[1]. By the said order, the Apex

1. 2015(324) E.L.T. 8(S.C.)

Court allowed Civil Appeal No.5239 of 2006 preferred by the Respondent. By the said order, the Order-in-Original dated 29th December, 2000 as well as the order of the Appellate Tribunal dated 12th July, 2005 have been set aside by the Apex Court. The learned counsel appearing for the Respondent has placed on record a copy of Civil Appeal No.5239 of 2006. We have perused the compilation of the said Civil Appeal. We find that the order impugned in this Appeal as well as the Order-in-Original dated 29th December, 2000 have been set aside by the Apex Court by the order dated 9th September, 2015.

3 Hence, the present Appeal does not survive and is disposed of as such.

**(RIYAZ I. CHAGLA, J)** **(A.S. OKA, J)**