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FARAD CONTINUATION SHEET No.

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

NOTICE OF MOTION NO.719 OF 2017 IN
CENTRAL EXCISE APPEAL (L)NO.298 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.M.Dwivedi i/b Mr.V.A.Bajpayee for the Applicant
Mr.Mahesh Raichandani for the Respondent.

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

DATE : AUGUST 14, 2017

P.C.

1 Heard the learned counsel for the applicant. The Notice of Motion is opposed by the learned counsel for the respondent. There is a gross delay on the part of the Assistant Commissioner while forwarding a copy of the impugned order to the Assistant Commissioner (Review) for necessary action. However, the delay of 124 has been explained.

2 Considering the facts of the case and length of delay, though sufficient cause is made out, the applicant will have to be saddled with costs. Accordingly, we make the Notice of Motion absolute in terms of prayer

clause (a) subject to condition of the applicant paying costs quantified at Rs.7500/- to the respondent. The amount of costs shall be paid within a period of six weeks from today. Payment of costs shall be a condition precedent.

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)