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

NOTICE OF MOTION NO.1181 OF 2016
IN
CENTRAL EXCISE APPEAL {L} NO.379 OF 2014

Commissioner of Central Excise,
Pune-I .... Applicant
In the matter between
Commissioner of Central Excise,
Pune-I .... Appellant
Vs.
M/s. Automotive Metal Stampings .... Respondent

AND

NOTICE OF MOTION NO.1182 OF 2016
IN
CENTRAL EXCISE APPEAL {L} NO.380 OF 2014

Commissioner of Central Excise,
Pune-I .... Applicant
In the matter between
Commissioner of Central Excise,
Pune-I .... Appellant
Vs.
M/s. Ganage Pressing India (P) Ltd. .... Respondent

Mr. Swapnil Bangur with Mr. Sham V. Walve for the Applicant/Appellant in both matters.
None for the Respondent in both matters.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : MARCH 06, 2017

P.C:

1. We have heard Mr. Bangur, appearing on behalf of the applicant. We have also perused the affidavit in support. We are not at all convinced with the explanation provided for on the face of it, it is juvenile and childish. An Additional Commissioner says on oath that the appeal was filed on an illegible copy of the order. That means without reading the order properly and knowing its legal consequences it was decided to file an appeal. It was, therefore, decided casually and mechanically that the order of the Tribunal raises substantial questions of law. After performing such an act, the Revenue compounds it by allowing the appeals to be dismissed for want of compliance with the procedural requirement. We then find an explanation to be invented that the objection was that, an illegible copy was annexed and therefore a legible and readable copy of the order impugned in the appeals should be annexed and forthwith. Even

that conditional direction was not complied with though issued way back on 12-2-2015. That is why the motions to set aside the conditional orders are delayed.

2. We have now realized that the warnings issued from time to time did not have the necessary impact. There is no scope for improvement though Mr. Bangur would urge that the Revenue Officials are making a sincere attempt. For an explanation as light-hearted as provided in the affidavit in support, we would have been justified in dismissing the motions or allowing them by imposing heavy costs.

3. It is purely because Mr. Bangur and Mr. Walve both having assured the Court that they would work to the best of their ability along with the Revenue Officials and set right the affairs that we condone the delay. The motions are made absolute in terms of prayer clauses (a) and (b). As a last chance, we do not impose any costs and personally to be paid by the concerned official.

(B.P. COLABAWALLA, J.) (S.C. DHARMADHIKARI, J.)