

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 208 of 2018

- M/s Beekay Engineering Corporation 45/47 Industrial Estate, Bhilai, District Durg, Chhattisgarh

---- Applicant

Versus

- The Commissioner, Central Excise, Raipur, Chhattisgarh

---- Respondents

For Applicant	:	Shri B.D.Guru, Advocate
For Respondent	:	Shri Maneesh Sharma, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

20/03/2018

Heard on I.A.No.1, application for condonation of delay in filing MCC and prayer for restoration of the Reference which was dismissed on account of operation of peremptory order passed by this Court earlier in the Reference.

2. Learned counsel for the applicant would submit that there was a communication gap between the counsel and the party that the party could not get the information relating to dismissal of reference under the peremptory order. He would submit that looking to the amount of recovery involved in the case, the applicant may be permitted to contest the matter on merits.

3. Learned counsel for the respondent would oppose the prayer for restoration and submit that the restoration application has been filed after long delay and there is no sufficient cause shown for such delay.

4. Taking into consideration the submission of learned counsel for the parties, particularly, the reason assigned in the application for condonation of delay as also application for restoration, we are of the opinion that the applicant should be given

an opportunity to contest the case on merits as lakhs of rupees have been directed to be recovered from the applicant/Corporation in the proceedings under Reference. Therefore, the order of dismissal for want of prosecution is hereby recalled and the Reference is restored to its original number.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge