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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4934 OF 2004

M/s. Parekh Bright Bars Pvt. Ltd. & Anr. ... Petitioners.

V/s.

The Deputy Commissioner of Central Excise,
Belapur Division I & Ors. ... Respondents.

Dr. Sujay Kantawala a/w. Brijesh Pathak a/w. Kartik Vig for the
Petitioners.

Mr. Swapnil Bangur a/w. Jaivardhan Singh for the Respondents.

***CORAM : S.C. Dharmadhikari and
Prakash D. Naik, JJ.***

3 May, 2018.

P.C. :-

After this Writ Petition was argued for some time and we invited the attention of Mr. Bangur appearing for the Respondents on the previous occasion to the affidavit-in-rejoinder, Mr. Bangur sought time to file a sur-rejoinder. When this matter was before us on 2 May 2018, the sur-rejoinder tendered by Mr. Bangur was taken on record.

2. In view of the fresh material brought on record by the Petitioners' Advocate in the rejoinder affidavit and equally the response to the same in the sur-rejoinder, we requested Mr. Bangur to take instructions from the Central Government and particularly, the Revisional Authority as to whether the Petitioners request as made in the Revision Petition can be reconsidered and a fresh order passed thereon as expeditiously as possible.

3. On instructions, it is stated by Mr. Bangur that the Government of India is ready and willing to do so. Accordingly, we proceed to pass the following order :-

(a) The impugned order dated 15 November 2001, copy of which is at Exhibit 'N' page 86 of the paper-book passed by the Government of India, Ministry of Finance, Department of Revenue / Joint Secretary of the Government of India in the above department stands quashed and set aside.

(b) The Revision Application of the Petitioners directed against the orders passed on 24 April 2001 and 27 November 2000 shall stand restored to the file of the Government of India / Revisional Authority for a decision afresh on merits and in accordance with law.

(c) The Revisional Authority shall grant a personal hearing to the Petitioners or the Advocates and pass a fresh order as expeditiously as possible and in any event within a period of three months from the date of appearance.

(d) While passing the fresh order, the Revisional Authority shall take into consideration all pleas including the contents of the rejoinder affidavit filed by the Petitioners. The fresh order shall be passed uninfluenced by the earlier conclusions.

(e) We clarify that we have not expressed any opinion on the merits of the Petitioners contentions. All contentions are kept open.

(f) Rule is made absolute accordingly. No costs.

(Prakash D. Naik, J.)

(S.C.Dharmadhikari, J.)