

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

NOTICE OF MOTION NO. 220 OF 2018
IN
CENTRAL EXCISE APPEAL (L) N. 21 OF 2017

M/s. Rajesh Rameshwardayal Bansal .. Applicant

In the matter between

M/s. Rajesh Rameshwardayal Bansal .. Appellant

v/s.

The Commissioner of Central Excise, Thane-I ..Respondent

Ms. Deepali Kamble for the applicant / orig. appellant

Ms. P.S. Cardozo for the respondent

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, J.J.**

DATED : 4th OCTOBER, 2018.

P.C.

1. This application has been taken out for condonation of 347 days delay in filing the accompanying appeal from the order dated 29th September, 2015 by the Customs, Excise and Service Tax Appellate Tribunal.

2. Ms. Kamble, learned Counsel relies upon the affidavit in support of Mr. Rajesh Bansal, Partner of the applicant firm, dated 27th

September, 2018 to point out that the delay in filing this appeal was in view of the time spent in pursuing a rectification application filed within the period available to file an appeal before this Court under Section 35G of the Central Excise Act, 1944. The rectification application was disposed of on 21st August, 2016 and thereafter this appeal has been immediately filed.

3. Ms. Cardozo, learned Counsel appearing for the respondent does not oppose this application for condonation of delay.

4. In the above view, the Notice of Motion is allowed in terms of prayer clause (a).

(RIYAZ I. CHAGLA, J.)

(M.S. SANKLECHA, J.)