

Sharayu Khot.

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

**NOTICE OF MOTION NO. 224 OF 2018
IN
CENTRAL EXCISE APPEAL (L) NO. 16 OF 2017**

Yudhishtir Kumar Batra

**...Applicant/
Appellant**

Versus

The Commissioner of Central Excise

...Respondent

Ms. Deepali Kamble, for the Applicant/Appellant.

Ms. Shalaka Gujar, for the Respondent.

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

DATE : 24 August 2018

ORDER :

1. This Motion has been taken out for condonation of 337 days delay in filing the Appeal from the impugned Order dated 29th September 2015 passed by the Customs, Excise &

Service Tax Appellate Tribunal (Tribunal).

2. We have perused the Affidavit of Shri. Yudhishtir Kumar Batra dated 2nd February 2018 in support of the Motion. We are satisfied with the reasons indicated therein that the delay in filing the Appeal from the impugned Order arose on account of prosecuting a Rectification Application before the Tribunal in respect of the impugned order. The Rectification Application came to be disposed of only on 31 August 2016. The Appeal was filed on 11 February 2017.

3. The counsel of the Revenue does not oppose the application.

4. Accordingly, Notice of Motion is allowed in terms of prayer clause (a).

[RIYAZ I. CHAGLA J.]

[M.S. SANKLECHA, J.]