

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

NOTICE OF MOTION NO. 464 OF 2018
IN
NOTICE OF MOTION (L) NO. 1912 OF 2017
IN
CENTRAL EXCISE APPEAL (L) NO. 109 OF 2017

Hitesh Vadalia .. Applicant

In the matter between
Hitesh Vadalia .. Appellant

v/s.
Union of India & Ors. ..Respondents

Mr. Arjun Nair I/b Vinit Dubey for the applicant / orig. appellant
Mr. Pradeep S. Jetly for the respondents

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

DATED : 27th SEPTEMBER, 2018.

P.C.

1. Mr. Nair, learned Counsel appearing in support of the application, seeks leave to amend the motion as well as accompanying appeal by adding respondent no.4 – Additional Commissioner of Central Excise as party respondent. Liberty as sought for is granted. Amendment to be carried out forthwith in appeal as well as in this motion. Re-verification dispensed with.

2. This application seeks condonation of 138 days delay in taking out this application to set aside the order dated 23rd November, 2017 passed by the Prothonotary and Senior Master rejecting the applicant's appeal for non-removal of office objections under Rule 986 of the Bombay High Court (Original Side) Rules.

3. Mr. Jetly, learned Counsel appearing on behalf of the Revenue, on instructions, states that the Revenue does not object of this application for condonation of delay in filing the appeal.

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

5. Needless to state if the objections are not removed within a period of four weeks from today, the appeal would stand dismissed without further reference to the Court.

(RIYAZ I. CHAGLA, J.)

(M.S. SANKLECHA, J.)