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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2180 OF 2018**

Bum Bum Steel ... Petitioner
V/s.
The State of Maharashtra and 2 Ors. ... Respondents

Mr. C.B. Thakkar, for the Petitioner.
Mr. V.A. Sonpal, Special Counsel for Respondent Nos. 1 to 3.

**CORAM: M.S.SANKLECHA &
RIYAZ I. CHAGLA, JJ.
DATE: 16TH OCTOBER, 2018.**

PC:-

1. Mr. Thakkar, the learned counsel appearing in support of the Petition seeks to withdraw this Petition with liberty to avail of the statutory remedy of appeal available under the Act. Liberty as sought for is granted.
2. Writ Petition is dismissed with liberty as prayed for. It is clarified that in case the Petitioner does file an appeal along with condonation of delay application, then the Appellate Authority will exclude the time which was spent in prosecuting this Petition while computing the delay in filing an appeal. This is in view of the decision of the Apex Court in ***M.P. Steel Corporation Vs. Commissioner of Central Excise***¹.

(RIYAZ I. CHAGLA J.)

(M.S.SANKLECHA, J.)

1 2015 (319) E.L.T. 373 (S.C.)