

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CENTRAL EXCISE APPEAL NO. 38 OF 2019**

Ajay Biotech (India) Limited .. Appellant
vs.
The Commissioner of
Central Excise, Pune-III .. Respondent.

Mr. D.H. Nadkarni and C.S. Biradar i/b Legal Solutions
for the Appellant.
Mr. Karan Adik i/b Ms Maya Majumdar for the
Respondent.

**CORAM: M.S. SANKLECHA, J.
AND M.S.SONAK, J.**

DATE : 17 JUNE 2019.

P.C.:

1] Mr. Nadkarni, learned counsel in support of the appeal, seeks to withdraw the appeal with liberty to file a Rectification Application before the Tribunal.

2] Liberty as prayed for is granted. However, we make it clear that grant of liberty would not be construed to hold that the Rectification Application to be filed by the appellant is maintainable on merits as well as on limitation. It would be appropriate for the Tribunal to decide the Rectification Application, if filed before it, in accordance with law.

3] Appeal is disposed of as withdrawn.

(M.S.SONAK, J.)

(M.S.SANKLECHA, J.)