

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

NOTICE OF MOTION NO. 935 OF 2018
IN
NOTICE OF MOTION NO. 1826 OF 2015
IN
CENTRAL EXCISE APPEAL (L) NO. 165 OF 2015

The Commissioner of CGST & CE,
Daman Commissionerate .. Applicant

In the matter between
The Commissioner of CGST & CE,
Daman Commissionerate .. Appellant

v/s.
M/s. Hindustan Unilever Ltd. .. Respondent

Mr. Pradeep S. Jetly a/w Mr. J.B. Mishra for the applicant
Mr. Kiran Chavan I/b Cenex Services for the respondent

**CORAM : M.S. SANKLECHA &
S.C. GUPTE, J.J.**

DATED : 15th JULY, 2019

P.C.

1. This application has been taken out for condonation of 903 days delay in taking out this motion for recalling the order dated 30th November, 2015 passed by this Court. This Court by order dated 30th November, 2015 had by self-operating order directed dismissal of the appeal without reference to the Court, in case the appellants do not

remove the office objections and file an affidavit of service of the motion within a period of four weeks from 30th November, 2015.

2. We have perused the additional affidavit in support of the motion. It states that in fact both the appeal and the notice of motion were served upon the respondents much before the order dated 20th November, 2015 was passed. However, it remained to be brought to the notice of the Court on that date.

3. Mr. Chavan, learned Counsel for the respondent, on instructions, states that the Revenue does not oppose the motion being allowed as prayed for.

4. Accordingly, motion is allowed in terms of prayer clauses (a) and (b).

(S.C. GUPTE, J.)

(M.S. SANKLECHA, J.)