

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

NOTICE OF MOTION NO. 137 OF 2019
IN
CENTRAL EXCISE APPEAL (LDG) NO. 76 OF 2013
WITH
NOTICE OF MOTION NO. 135 OF 2019
IN
CENTRAL EXCISE APPEAL (LDG) NO. 75 OF 2013

The Commissioner of CGST and
C.E. Daman Commissionerate
(Formerly known as Silvassa-Vapi
Commissionerate)

... Applicant

In the matter between

The Commissioner of CGST and
C.E. Daman Commissionerate
(Formerly known as Silvassa-Vapi
Commissionerate).

... Appellant

V/s.

M/s. Sun Pharmaceuticals Industries Ltd.,
Plot No. 20, Government Industrial Estate,
Piparia, Silvassa.

... Respondents.

Mr. Swapnil Bangur a/w Mr. Vipul Bajpayee for the applicant in both
Notice of Motions.

Ms. Bhagyashree Bhawe i/b Economic Law Practice for the respondent in
both Notice of Motions.

CORAM : A.S.OKA AND M.S. KARNIK, JJ.

DATE : 24th April, 2019.

PC.:

Heard Learned Counsel appearing for applicant. The Learned Counsel appearing for respondent opposed the prayer made in the notice of motion.

2 The prayer made in this notice of motion is for restoration of Appeal preferred by the applicant which was dismissed by the Prothonotary and Senior Master in exercising of power under Rule 986 of Bombay High Court, Original Side Rules. In fact, earlier notice of motion taken out for the same relief was permitted to be withdrawn.

3 On the earlier date, we had called upon the applicant to explain the delay between 22nd March 2017 (on the day on which earlier notice of motion was handed over to the junior counsel of the applicant) and 22nd May 2018 (the day on which the said notice of motion was lodged). By filing an additional affidavit of the Assistant Commissioner, the applicant has explained the said delay. In paragraph 10 of the Additional Affidavit, the reasons for not filing the notice of motion till May 2018 have been set out.

4 Hence, a case is made out to condone the delay of 1887 days.

5 Accordingly, the notice of motion is made absolute in terms of prayer clauses (a) and (b), subject to condition that the applicant shall remove all office objections in the appeal within a period of one month from today. On the failure of the applicant to remove office objections within a period of one month from today, the order of rejection stands.

(M.S.KARNIK, J.)

(A.S.OKA, J.)