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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 30/2018**

M/S. AZAD COACH PVT. LTD. Plaintiff

Through: Mr. Prashant Mehta and Ms. Neha
Tanwar, Advocates. (M:9999590003)

versus

DELHI METRO RAIL CORPORATION LTD.
& ANR

..... Defendants

Through: Ms. Vibha Mahajan, Advocate for D-
1. (M:9810702410)
Mr. Darpan Wadhwa, Senior
Advocate with Ms. Natasha
Shehrawat, Ms. Neha Khandelwal
and Ms. Caveri Biral, Advocate for
D-2. (M:7838551289)
Mr. Aditya Goyal, Advocate for Mr.
Akshay Makhija, Advocate.
(M:9425945714)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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10.01.2019

I.A. /2019 (u/O VI Rule 17 CPC) (to be numbered)

1. The I.A. has been taken on record. Let the same be registered and numbered.
2. Issue notice. Reply to the same be filed within four weeks. Rejoinder, if any, be filed within two weeks thereafter.

I.A. 16770/2018 (u/O XXXIX Rules 1 & 2 CPC)

3. Mr. Aditya Goyal, Advocate from office of Mr. Akshay Makhija, has

appeared and submits that Mr. Amit Bansal is the Standing Counsel for the Central Excise Department. Let court notice in the application be given to Mr. Amit Bansal, Advocate who may seek instructions from the Excise Department and be ready for addressing arguments on the next date.

4. All the I.As., including the application under Order 1 Rule 10 CPC filed by Defendant No.2, shall be listed before Court on the next date.

5. The said I.A. need not be listed before the Joint Registrar.

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6. Learned counsel for DMRC informs the Court that the Excise Department had passed an order in the show cause notice issued to M/s. Tata Motors Limited. The Customs, Excise & Service Tax Appellate Tribunal (CESTAT) has set aside the order of the Excise Commissioner and has held that Defendant No.2 - M/s. Tata Motors Limited, is entitled to the exemption from payment of excise. The said order is stated to have been passed on 28th December, 2018.

7. Let a copy of the said order be placed on record with advance copy to all the parties.

8. No coercive steps shall be taken by the Excise Department against the Plaintiff till the next date of hearing.

9. List on 20th March, 2019.

10. A copy of this order be given *dasti* under the signature of Court Master.

PRATHIBA M. SINGH, J.

JANUARY 10, 2019

Rekha