

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

CENTRAL EXCISE APPEAL NO.118 OF 2017

M/s. Induction Hardening Co.	..Appellant
Versus	
The Commissioner of Central Excise Nashik	..Respondent

Mr. Sriram Sridharan a/w Mr. Jas Sanghavi i/by PDS Legal, Advocates for the Appellant.

Mr. Arvind Pinto, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
ABHAY AHUJA, JJ.

DATE : 25th SEPTEMBER, 2020

P.C.

1] Heard learned counsel for the parties.

2] This appeal under section 35G of the Central Excise Act, 1944 has been filed challenging the order dated 09.09.2016 passed by the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) and is pending before this Court having been admitted on 21.08.2018.

3] In the meanwhile, Central Government has introduced the *Sabka Vishwas* (Legacy Dispute Resolution) Scheme, 2019 (for short 'Scheme') vide Finance (No.2) Act, 2019.

4] Appellant seeks to avail the benefit of the said Scheme. However, one of the conditions for availing the benefit under the Scheme is to unconditionally withdraw any appeal which may be pending before the High Court or the Supreme Court, as the case may be.

(2) - LEXA-118-17.doc.

5] Appellant has already filed application under the Scheme.

6] It is stated that though the application has been accepted by the respondents and all the dues have been paid by the appellant, appropriate order has not been passed on the application only on the ground of pendency of the present appeal.

7] In such circumstances, appellant seeks withdrawal of he appeal.

8] Considering the above, we allow the appeal to be withdrawn. However, there shall be no order as to cost. Refund as per Rules.

9] This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

ABHAY AHUJA, J

UJJAL BHUYAN, J

Balaji
G.
Panchal
Digitally
signed by
Balaji G.
Panchal
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