

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Civil Application (CAW) No.644 of 2020
IN
Writ Petition No.1626/2015(D)**

M/s. Agrawal Construction, A sole Proprietary Concern,
though their sole proprietor Shri Keshav Agrawal, ...Petitioner
Nagpur

Versus

The Commissioner of Central Excise & Service Tax,
Civil Lines, P.B. No.81, Nagpur and another ...Respondents

WITH

Central Excise Appeal No.14/2016

Water Resources Department Formerly known as
Irrigation Department through Executive Engineer, ...Appellant
Chandrapur.

Versus

Commissioner of Central Excise, Civil Lines, Nagpur. ...Respondent

Shri Rahul Tajne, Advocate for the Applicant.

Shri S.N. Bhattad, Advocate for the Respondent Nos. 1 and 2.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 19 JANUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. This application is filed for speaking to the minutes to recall of the order dated 11 February, 2020, so far as the Central Excise Appeal No. 14 of 2016 is concerned.

3. Learned Counsel for the Appellant/Applicant states that the order dated 11 February, 2020 was passed in view of the pursis filed of the said date which was restricted for withdrawal of the Writ Petition No. 1626 of 2015. However, due to typographical error the order is typed in Central Excise Appeal also which was not to be withdrawn.

4. Learned Counsel for the Respondent fairly submits that this position is correct.

5. In view of this position, the order dated 11 February 2020 of withdrawal stands modified and is restricted to Writ Petition No. 1626 of 2015.

6. The Central Excise Appeal No. 14 of 2016 is restored to file.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]