

PURTI
PRASAD
PARAB

Digitally signed by
PURTI PRASAD
PARAB
Date: 2022.03.24
16:06:38 +0530

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

INTERIM APPLICATION NO. 1737 OF 2021
IN
CENTRAL EXCISE APPEAL (L) NO. 78 OF 2017

The Commissioner of CGST &
Central Excise

....Applicant/Appellant

V/s.
Phoenix International Freight
Services Pvt. Ltd.

...Respondent

Mr. Swapnil Bangur i/b Ms. Maya Majumdar for Applicant/Original
Appellant.
None for Respondent.

CORAM : K.R. SHRIRAM &
N. R. BORKAR, JJ.
DATED : 22nd MARCH, 2022

PC. :

1. Further to the order dated 10th March, 2022, applicant has filed supplementary affidavit through one Mr. Milind Gawai, Principal Commissioner of CGST & Central Excise affirmed on 17th March, 2022.

2. At the outset Mr. Bangur states that the second sentence in paragraph no.1 of the affidavit *"In paragraph 4 of the application, I have given reason for not removing office objection and delay in filing restoration application"* should not have been there because there is no proper explanation in the Interim Application and that is why the court had granted leave to file further affidavit. Statement accepted.

3. We have considered the rest of the further affidavit and are satisfied with the explanation.

4. In the circumstances, appeal is restored to file.

5. Interim Application disposed.

6. Mr. Bangur states that applicant will remove all office objections within two weeks. If all office objections are not removed within two weeks, the appeal will get dismissed without further reference to this court with no possibility of even considering the restoration application once more.

(N. R. BORKAR, J.)

(K.R. SHRIRAM, J.)