

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6651-6653 OF 2015
(ARISING OUT OF S.L.P. (C) Nos. 14424-14426 of 2015)

M/S RAMCHANDRA REXINES (P) LTD
AND ORS.

... APPELLANT(S)

VERSUS

COMMISSIONER OF CENTRAL EXCISE
BANGALORE-1

...RESPONDENT(S)

J U D G M E N T

Leave granted.

Heard learned counsel for the parties.

We have been shown a copy of the Order date

4.04.2012 passed in Civil Appeal Nos. 11411-11413 of
2011, the same reads as follows:

"Learned senior counsel appearing for the appellants seeks leave to withdraw the appeals with liberty to file an appeal under Section 35-G of the Central Excise Act, 1944, before the High Court. Accordingly, the appeals are dismissed as not pressed with liberty as prayed. If the appellants file the appeal within eight

Signature Not Verified

Digitally signed by

Sushil Kumar Rakheja

Date: 2015.08.31

16:31:57 IST

Reason:

weeks from today, the same shall be

considered by the High Court on merits

without reference to the period of

limitation."

It has been submitted by the learned counsel
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appearing for the appellants that in pursuance of the

aforesaid order, the appellants had filed appeals

before the High Court. The High Court has disposed of

the said appeals without going into the merit by

saying that the statutory appeals should have been filed before this Court.

It is pertinent to note that this Court had observed in the aforesaid Order dated 4.04.2012 that the High Court had to decide the case on merits but without going into the merits of the case, the High Court has disposed of the appeals.

In our opinion, it was not proper on the part of the High Court to dispose of the appeals without going into the merits of the case. In the circumstances, the appeals are allowed, the impugned judgment is set aside and the appeals shall be restored at their original numbers and shall be heard by the High Court on merit.

The matters shall be fixed for hearing before the High Court on 16.11.2015. Order dated 5.05.2015 passed by this Court granting interim relief to the petitioners herein shall continue till 30.11.2015.

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The appeals are allowed with no order as to costs.

.....J.
(ANIL R. DAVE)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
AUGUST 28, 2015

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ITEM NO.12

COURT NO.3

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
14424-14426/2015

(Arising out of impugned final judgment and order dated 11/09/2014 in CEA No. 23/2012, 11/09/2014 in CEA No. 2/2013, 11/09/2014 in CEA No. 3/2013 passed by the High Court of Karnataka at Bangalore)

M/S RAMCHANDRA REXINES (P) LTD AND ORS

Petitioner(s)

VERSUS

COMMISSIONER OF CENTRAL EXCISE BANGALORE-1

Respondent(s)

Date : 28/08/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. Sharan Thakur, Adv.
Mr. Vijay Kumar Paradeshi, Adv.
Mr. Mahesh Thakur, Adv.
Mr. S. Rao, Adv.
Dr. Sushil Balwada, Adv.

For Respondent(s) Mr. N.K. Kaul, A.S.G.
Mr. Kiran Bhardwaj, Adv.
Ms. Gunwant Dara, Adv.
Mr. Samar K., Adv.
Mr. B. Krishna Prasad, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed non-reportable judgment. No order as to costs. The matters shall be fixed for hearing before the High Court on 16.11.2015. Order dated 5.05.2015 passed by this Court granting interim relief to the petitioners herein shall continue till 30.11.2015.

(S. K. RAKHEJA)
COURT MASTER

(SNEH BALA MEHRA)
ASSISTANT REGISTRAR

(Signed non-reportable judgment is placed on the file)