

(1991) 03 AHC CK 0118

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 1361 of 1990

Jai Hind Bottling Co. (Pvt) Ltd.

APPELLANT

Vs

Assistant Collector, Central Excise and Another

RESPONDENT

Date of Decision : 28-03-1991

Acts Referred:

Central Excises and Salt Act, 1944 — Section 35

Citation : (1992) 38 ECR 169

Hon'ble Judges : B.P. Jeevan Reddy, C.J;R.A. Sharma, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Against the order impugned herein, passed by the Assistant Collector Central Excise, dated 27.7.1990 (Annexure-4), an appeal lies u/s 35 of the Central Excises and Salt Act 1944. The writ is not a proper remedy. Since the writ petition has been lying in this Court from November onwards, we direct that if the petitioner files an appeal within one month from today before the appropriate Appellate Authority, the same shall be entertained according to law without, however, raising an objection on the ground of limitation.

2. The writ petition is disposed of with above direction.