
(2001) 08 MP CK 0024

In the Madhya Pradesh High Court

Case No : Writ Petition No. 6519 of 2000

Kakda Rerolling Mills

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 06-08-2001

Acts Referred:

Central Excises and Salt Act, 1944 — Section 11A, 33

Citation : (2001) 08 MP CK 0024

Hon'ble Judges : Dipak Misra, J

Bench : Single Bench

Advocate : Upadhayay, for the Appellant; Indira Nair, ACGSC, for the Respondent

Judgement

Dipak Misra, J.

1. By this writ petition the petitioner has prayed for issue of a writ in the nature of certiorari for quashment of the order contained in Annexure P/10 whereby the Customs, Excise & Gold (Control) Appellate Tribunal, New Delhi, has affirmed the ex parte order passed by the adjudicating authority i.e. Commissioner, Central Excise, Bhopal, the respondent No. 3 herein.

2. Mr. Upadhayay, learned Counsel for the petitioner submitted that though certain opportunities were granted by the adjudicating authority but the petitioner was not in a position to produce the all material documents to explain his stand. Learned Counsel further submitted that if another opportunity of hearing is granted to the petitioner it would be in a position to satisfy the plea taken by it.

3. Mrs. Indira Nair, learned Additional Standing Counsel for the Union of India, though initially resisted such a prayer of Mr. Upadhayay, later on, did not seriously oppose the same. In view of the aforesaid the order vide Annexure P/10 is quashed and the matter is remanded to the Commissioner, Central Excise, Bhopal, who shall adjudicate and finalise the matter after affording opportunity of hearing to the petitioner. To cut short delay, it is directed that the

petitioner shall appear before the respondent No. 3 on 30-8-2001 and the said authority thereafter shall fix another date for Hearing and finalise the matter by end of October, 2001.

4. With the aforesaid direction the writ petition stands disposed of.