

(2000) 10 SC CK 0014

In the Supreme Court Of India

Case No : Civil Anneal No. 5861 of 2000

M/s. Somani Steels Ltd. and Another

APPELLANT

Vs

Collector of Central Excise and Others

RESPONDENT

Date of Decision : 12-10-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 10 SC CK 0014

Hon'ble Judges : Syed Shah Mohammed Quadri, J;S.N. Phukan, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave is granted.

2. In 1983 the writ petition out of which this appeal arose, was filed by the Appellants, claiming certain reliefs which we need not advert to here; the High Court dismissed the same on the ground that the Appellants had alternative remedy of appeal. In our view, the ground of alternative remedy does not oust the jurisdiction of the High Court under Article 226 of the Constitution. It is a factor which has to be taken into consideration while exercising the jurisdiction under Article 226 of the Constitution by the High Court and, therefore, dismissing the writ petition after 8 years on the ground of alternative remedy would not be a proper exercise of jurisdiction. The learned Additional Solicitor General has fairly submitted that on this ground it is not possible to sustain the order under challenge. Accordingly, the order under challenge is set aside. The writ petition is restored to the file of the High Court. The case is remitted to the High Court for disposal in accordant with law by allowing this appeal. No costs.