
(2015) 08 SC CK 0044

In the Supreme Court Of India

Case No : Civil Appeal Nos. 6651-6653 of 2015 (Arising out of S.L.P. (C) Nos. 14424-14426 of 2015)

Ramchandra Rexines (P) Ltd. and Others

APPELLANT

Vs

Commissioner of Central Excise

RESPONDENT

Date of Decision : 28-08-2015

Acts Referred:

Central Excises and Salt Act, 1944 — Section 35G

Citation : (2015) 4 WLN 117

Hon'ble Judges : Anil R. Dave, J; A.K. Goel, J

Bench : Division Bench

Advocate : P. Vishwanatha Shetty, Senior Advocate, Sharan Thakur, Vijay Kumar Paradeshi, Mahesh Thakur, S. Rao and Sushil Balwada, for the Appellant; N.K. Kaul, A.S.G., Kiran Bhardwaj, Gunwant Dara, Samar K. and B. Krishna Prasad, Advocates for the Respondent

Final Decision : Disposed Of

Judgement

1. Leave granted.
2. Heard learned Counsel for the parties.
3. We have been shown a copy of the Order dated 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 35G 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 weeks from today, the same shall be considered by the High Court on merits without reference to the period of limitation.
4. It has been submitted by the learned Counsel 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.

5. 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.

6. 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.

7. 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.

8. The appeals are allowed with no order as to costs.