

(2014) 09 MP CK 0115
In the Madhya Pradesh High Court
Case No : C.E.A. No. 1 of 2014

Swastik Panch Biri Works

APPELLANT

Vs

Commr. of Cus. and C. Ex.

RESPONDENT

Date of Decision : 04-09-2014

Acts Referred:

Citation : (2015) 318 ELT 62

Hon'ble Judges : Rajendra Menon, J;Anil Kumar Sharma, J

Bench : Division Bench

Advocate : Harshwardhan Singh Rajput, Id. Counsel, Advocates for the Appellant; Sushrut Dharmadhikari, Id. Counsel, Advocates for the Respondent

Judgement

1. Shri Harshwardhan Singh Rajput, learned counsel for the appellant. Shri Sushrut Dharmadhikari, learned counsel for the respondent.
2. Having heard learned counsel for the parties and on a perusal of the notice issued to the appellant as is evident from Annexure A-9, it seems that a notice for hearing of the appeal before the Tribunal which was fixed on 11-11-2013 was in fact received by the appellant on 14-11-2013 and, therefore, it is a case where the appeal has been decided by the Appellate Tribunal behind the back of the appellant without proper notice to them.
3. Keeping in view the aforesaid position as is evident from the record, we allow this appeal. The impugned order dated 11-11-2013 passed by the Appellate Tribunal, New Delhi is quashed and the matter is remanded back to the Appellate Tribunal to decide the same afresh in accordance to law. With the aforesaid, the petition stands allowed and disposed of.