

(2000) 07 SC CK 0071

In the Supreme Court Of India

Case No : Civil Appeal No"s. 4158-59 of 2000 (Arising out of SLP (C) No"s. 9987-88 of 2000)

Union of India (UOI) and Others

APPELLANT

Vs

Sony India Ltd.

RESPONDENT

Date of Decision : 21-07-2000

Acts Referred:

Citation : (2000) 72 ECC 470 : (2000) 121 ELT 581 : (2000) 10 JT 343 : (2002) 10 SCC 757

Hon'ble Judges : S. P. Bharucha, J;Ruma Pal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted. 2. The order under appeal has been passed by a Division Bench of the High Court at Delhi. It was reversed the order of the 2000 (115) ELT 175 requiring the respondent before us to deposit a sum of Rupees twenty crores towards duty as a condition precedent for the hearing of the appeals filed by the appellant before the Tribunal. The order under challenge requires the Tribunal to hear the appeals without any pre-deposit. All that it says, which may be called reasoning is, "We have heard learned Counsel for the parties on the question of pre-deposit. Keeping in view the facts and circumstances of the case and particularly the circulars No. 44/97, dated 30th September, 1997 and No. 20/98, dated 25th March, 1998, we direct the Tribunal to hear and decide the appeal filed by the petitioner on merits without insisting on any pre-deposit".

3. When a writ petition is disposed of, we would expect, however briefly, some discussion on what the "facts and circumstances of the case" are, a reference to the circulars that are made the basis of the decision and some explanation how the terms of these circulars apply to the facts and circumstances of the case. An order of the kind under challenge disposing of the writ petition cannot be sustained.

4. The civil appeals are allowed. The order under appeal is set aside. The writ

petitions C.W.P. No. 7472 of 1999 and CM. No. 14825 of 1999 are remanded to the High Court to be heard and disposed of afresh, expeditiously.

5. No order as to costs.