

**Shree Services Vs. Uoi and ors.**

**Shree Services Vs. Uoi and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/348382](http://sooperkanoon.com/348382)

**Court :** Mumbai

**Decided On :** Jul-23-1997

**Reported in :** 1998(98)ELT47(Bom)

**Judge :** A.A. Desai and; T.K. Chandrashekhara Das, JJ.

**Acts :** [Constitution of India](#) - Article 226; Central Excise Act

**Appeal No. :** Writ Petition No. 1945 of 1987

**Appellant :** Shree Services

**Respondent :** Uoi and ors.

**Advocate for Def. :** Mr. V.G. Rege and ;Mr. H.V. Mehta, Advs., i/b.,; L.S. Shetty

**Advocate for Pet/Ap. :** Mr. S.N. Kantawala, Adv.

**Judgement :**

ORDER

**Shri A.A. Desai, J.**

1. The Petitioners have questioned the correctness and legality of Order dated 18.5.1987 marked as Exh. 'E' to the Petition. During the course of hearing, it is realised that the Petition raises certain disputed question of facts, which could not be adjudicated in this proceedings under Article 226. It is, therefore, expedient to

direct the Petitioners to go in Appeal before the Commissioner of Appeals and it is open for the Petitioners to file such Appeal within a period of four weeks from today. The Petitioner was bona fide litigating in this Court for considerable period of more than 11 years. It would be therefore more expedient in such circumstances that the Commissioner of Appeals, if the Appeal as indicated is filed, within period stipulated, shall decide the same on merit. Taking into consideration the rival contentions, the disposal of the Appeal shall be within six weeks from the date of filing of the Appeal.

2. The Petitioners are directed to keep the Bank Guarantee alive. The deposit of Rs. Seven lakhs is liable to be retained by the Respondents till the disposal of the Appeal. The same be retained subject to the decision in the Appeal before Commissioner of Appeal. In view of the directions, the Petition is disposed of.

3. No order as to costs.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**