

Shibani Engineering Systems Vs. Union of India (Uoi) and ors.

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Court : Mumbai

Decided On : Feb-04-1993

Reported in : 1993(47)LC39(Bombay)

Judge : V.A. Mohta and ;S.M. Jhunjhunuwala, JJ.

Appeal No. : Writ Petition No. 2726 of 1992

Appellant : Shibani Engineering Systems

Respondent : Union of India (Uoi) and ors.

Advocate for Pet/Ap. : Mr. Pochkhanawala

Judgement :

ORDER

1. Rule, returnable forthwith. Heard.

The only justification that was put forth for not complying with the order of the CEGAT was the Department's intention to file Special Leave Petition before the Supreme Court, as is clear from Exhibit T dated 20th October, 1992. Mr. Shah, learned Advocate for Respondent Nos. 1 to 3 is not in a position to make any statement as to whether or not, the Special Leave Petition has at all been filed.

2. Mr. Pochkhanawala, learned Counsel for the Petitioner, informs us after ascertaining, that he is in a position to make a statement that till date no such

Special Leave Petition has been filed.

3. Settled legal position is that mere filing of the Special Leave Petition is not decisive of the matter. There is no justification whatsoever for detaining the issuance of detention certificate by Respondent Nos. 1 to 3 consequent upon the order of the CEGAT. We therefore direct them to issue detention certificate within a period of two weeks from today. Needless to mention that thereafter consequential action as per law will be taken by Respondent No. 4.

4. Rule made absolute accordingly. There will be no order as to costs.

Certified copy expedited.

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