

Ravi Electricals Vs. Union of India (Uoi)

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SooperKanoon Citation : sooperkanoon.com/486044

Court : Allahabad

Decided On : Jul-06-1995

Reported in : 1996(82)ELT209(All)

Judge : B.M. Lal and ;M.C. Agarwal, JJ.

Acts : [Central Excise Act, 1944](#)

Appeal No. : Civil Misc. Writ Petition No. 501 of 1979

Appellant : Ravi Electricals

Respondent : Union of India (Uoi)

Advocate for Def. : None

Advocate for Pet/Ap. : V.B. Upadhya, Sr. Counsel

Judgement :

ORDER

1. Heard Shri V.B. Upadhya, learned Senior Counsel for the petitioner. None appears for the respondents - the Union of India and the Superintendent of Central Excise, Varanasi.

2. By this petition, the petitioner seeks a writ order or direction in the nature of cerliorari quashing the impugned order dated 17-10-1979 passed by the Superintendent of Central Excise, Varanasi (respondent No. 2). The impugned

order is contained in Annexure 11 to this petition.

3. Without entering into the merits of the case, at the very outset we may point out that the Superintendent of Central Excise while exercising its quasi-judicial power under the Central Excise Act has passed the impugned order dated 17-10-1979 contained in Annexure 11 to this petition without assigning any reason as to how the petitioner is not entitled for the benefit of exemption. The order passed is in a very cryptic manner and is non-speaking assigning no reason for arriving at the decision. Thus on this score alone the impugned order contained in Annexure 11 to this petition deserves to be set aside.

4. Consequently the impugned order dated 17-10-1979 is quashed and the case is remanded to the authority concerned to decide it after affording a reasonable opportunity of being heard to the parties expeditiously in accordance with law. The stay order dated 13-11-1979 stands vacated.