
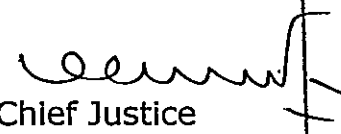


Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		<p style="text-align: center;">BEFORE</p> <p style="text-align: center;">HON'BLE THE CHIEF JUSTICE MR. JUSTICE PERMOD KOHLI HON'BLE MR. JUSTICE S. P.WANGDI, JUDGE</p> <p>05. 27.06.12 Present: Mr. Zangpo Sherpa and Mr. Arjun Kr. Ghatani, (Kohli, CJ) Advocates for the Petitioner.</p> <p>Mr. B.K. Gupta and Mr. Jigme P. Bhutia, Advocates for respondents No. 1, 2, 3 and 8.</p> <p>Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay Namgyal, Govt. Advocate and Mr. S.K. Chettri, Asstt. Govt. Advocate for Respondents No. 4 & 5.</p> <p>Mr. Sudesh Joshi, Advocate for respondents No. 6 and 7.</p> <p style="text-align: center;">...</p> <p>On the last date of hearing the learned counsel appearing for the respondents had raised an objection to the maintainability of this petition before this Court on account of specific statutory remedy available to the petitioner under Section 85 of the Finance Act, 1994. In view of the alternative efficacious statutory remedy by way of appeal available to the petitioner before the Commissioner of Central Excise (Appeals), Mr. Zangpo Sherpa, learned Counsel for the petitioner seeks to withdraw the petition with liberty to approach the Appellate Authority. His further submission is that on account of pendency of the present petition before this Court, delay in filing the appeal be condoned. It is not appropriate for this Court to make any such order.</p>

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		<p>However, we feel and hope that the Appellate Authority will consider sympathetically the application of the petitioner for condonation of delay in view of the pendency of the petition before this Court for a considerable period.</p> <p>In view of the above circumstances, this petition is dismissed as withdrawn with liberty to approach the Appellate Forum at the earliest.</p> <div style="display: flex; justify-content: space-around; align-items: center;"><div style="text-align: center;"> Judge 27.06.2012</div><div style="text-align: center;"> Chief Justice 27.06.2012</div></div>

Index : Yes / No
Internet : Yes / No
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