



**W.P. (C) No. 42 of 2021**

M/S ALKEM HEALTH SCIENCE

.... PETITIONER

VERSUS

UNION OF INDIA & ANR.

.... RESPONDENTS

DATE: 25.02.2022

**CORAM:**

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Mr. Mahesh Bhagwan Raichandani,  
Advocate.  
Mr. Ranjit Prasad, Advocate.

For Respondents : Mr. Ajay Rathi, Senior Standing Counsel.  
Mr. D.K. Agarwal, Junior Standing  
Counsel.

.....

Heard Mr. Mahesh Bhagwan Raichandani learned counsel for the petitioner at length. Also heard Mr. Ajay Rathi, learned Senior Standing Counsel for the respondents. All the points raised by the petitioner can be raised before the Appellate Forums provided in the Central Excise Act, 1944. The learned counsel for the petitioner on receipt of instructions from his client desires to avail of the alternative remedy available to challenge the impugned order in original No.10/Adj/CE/ALKEM HEALTH/Gtk-Div/2021-22 dated 30.07.2021 as well as the show cause-cum-demand notice C No.V(18) 104/CE/Ref/Alkem Health/Gtk-DIVN/2017-18/347 dated 02.03.2020. The learned counsel prays that the time spent in pursuing the present writ petition may be favorably



considered by the learned Commissioner (Appeals) when the appeal is filed. The petitioner may file the appeal within a period of 15 days hence. On so doing, the learned Commissioner (Appeals) may consider favorably the time spent by the petitioner in pursuing the present writ petition and decide the appeal on merits. The writ petition stands disposed as withdrawn.

**Judge**

to/ **Index: yes/No**  
**Internet: yes/No**