

SUPREME COURT OF INDIA

Collector of Central Excise

Vs.

National Chemicals Industries Ltd.

(S Bharucha and F Uddin JJ.)

22.03.1996

ORDER

1. Mr B. Parthasarthy takes notice on behalf of the respondent.

2. Heard.

3. The appeals filed by the present appellant before CEGAT were dismissed on the ground that there had been a delay of 12 days and that it had not been satisfactorily explained. We think that a delay of 12 days should not ordinarily debar a party from having his appeal heard. We find that there is some explanation for the delay of 12 days here. We are of the view that, in the circumstances, the delay of 12 days ought to have been condoned and the appeals heard on merits.

4. The appeals are allowed. The order under appeal is set aside. The appeals (Nos. 30-35/CE/DLH/85) before CEGAT are restored to the file of CEGAT and shall be heard and disposed of on merits. No order as to costs.