

SUPREME COURT OF INDIA

Alpha Detergents Pvt. Ltd.

Vs.

Commissioner of Central Excise

(Dr.A.S. Anand CJI., R.C. Lahoti, R.P. Sethi and Doraiswamy Raju JJ.)

31.01.2000

ORDER

DR. A.S. ANAND, C.J.I.

1. Heard learned Counsel for the parties.
2. Leave granted.
3. The short controversy in this appeal is with regard to the condition of pre-deposit for hearing the appeal by the appellate authority.
4. The order made by the appellate authority, to make a deposit of Rs. 30 lacs as against the total demand of Rs. 73,25,171/- within sixty days of receipt of that order as a pre-condition for hearing the appeal, was upheld by the learned Single Judge as also by the Division Bench of the High Court. We are not inclined to interfere with that direction, which appears to be quite reasonable.
5. At this stage, learned Counsel for the appellant submits that though the Special Leave Petition was pending in this Court, the appellate authority dismissed the appeal (bearing A.No.370/99) in default on 24th March, 1999 because the pre-deposit had not been made as directed. Mr. Harish N. Salve, learned Solicitor General appearing for the respondents, fairly submits that in case the pre-deposit of Rs. 30 lacs, as directed by the appellate authority and confirmed by the High Court, is made within six weeks from today, the respondents do not object to the appeal being restored by the appellate authority and decided on its own merits. We record the statement of the learned Solicitor General and direct that in the event the pre-deposit of Rs. 30 lacs is made by the appellant within six weeks from today, the appeal, which stands dismissed in default, shall be restored by the appellate authority and disposed of on its own merits. In case the amount is not deposited within the time stipulated above, the order of the dismissal of appeal by the appellate authority would operate.
6. The appeal is disposed of in the above terms. No costs.