

SUPREME COURT OF INDIA

New Tobacco Company Ltd.

Vs.

U.O.I. & Ors.

T.P.(Civil)No.36 of 2004

(Tarun Chatterjee and Harjit Singh Bedi,JJ.)

25.03.2008

ORDER

1. Heard learned counsel for the parties. These I.As have been filed for clarification/modification of the order dt.19.09.2005. It has been brought to our notice that show-cause notice was issued to the petitioner and the response to the same has been filed. It has also been brought to our notice that against the final adjudication, an appeal has been filed and the same is now pending before the appellate authority. Since response to the show-cause notice has already been filed by the petitioner, the assessment has already been made and the appeal is pending against the assessment order, these I.As have practically become infructuous and are disposed of as such. However, we make it clear that the appeal which is being filed against the assessment order shall be decided by the appellate authority on merits and in accordance with law.