

**(1999) 05 SC CK 0103**

**Supreme Court of India**

**Case No:** Civil Appeal No.D4832 Of 1999

Commissioner of Central Excise,  
Bangalore

APPELLANT

Vs

Agro Extracts Ltd.

RESPONDENT

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**Date of Decision:** May 4, 1999

**Citation:** (1999) 10 JT 247 : (1999) 5 SCC 736

**Hon'ble Judges:** A. S. Anand, C.J; M. Srinivasan, J; M. Jagannadha Rao, J

**Bench:** Full Bench

**Final Decision:** Allowed

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### **Judgement**

@JUDGMENTTAG-ORDER

There is a delay of 839 days in filing this appeal. From a perusal of the application seeking condonation of delay. We find that on 19th January, 1998, the file was sent to the drafting counsel and it was returned to the Central Agency by the drafting counsel on 22nd December, 1998. There is no explanation for this delay of more than 11 months. In the supplementary affidavit filed in support of the application for condonation of delay, the dates which have been mentioned are much different. The manner in which the application seeking condonation of delay and the supplementary affidavit have been filed is most casual. The explanation for the delay is also unsatisfactory.

2.The learned Attorney General submits that the delay is shocking and the manner in which the file has been dealt with even more disturbing. He states that the Union proposes to hold an inquiry into the matter. We record this statement.

3.So far as the merits are concerned the two judgments relied upon by the Tribunal, i.e. Bhasir Oil Mills v. Union of India, 1990 (47) E.L.T. 305, and U.P. Solvent Extractors' Assn. v. Union of India, 1989 (39) E.L.T. 18, have been approved by this Court in A.P. Rice Bran Solvent Extractors' Association and Others as Union of India and Others, 1998 (8) SCC 384. There is, therefore, no merit in this appeal at all. The appeal is,

accordingly, dismissed.