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**(2013) 02 DEL CK 0409**

**In the Delhi High Court**

**Case No : Writ Petition (C) No. 738 of 2013**

Bharat Hotels Ltd.

APPELLANT

Vs

Union of India

RESPONDENT

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**Date of Decision :** 08-02-2013

**Acts Referred:**

**Citation :** (2013) 288 ELT 509

**Hon'ble Judges :** R.V. Easwar, J; Badar Durrez Ahmed, J

**Bench :** Division Bench

**Advocate :** Sanjeev Anand with Rajesh Chhibber and Ms. Anubha Surana, for the Appellant; Ankan Suri, Advocate and Satish Kumar, Senior Standing Counsel, for the Respondent

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## **Judgement**

1. This writ petition is directed against the circular dated 1-1-2013 and the notice of demand dated 28-1-2013. The case of the petitioner is that the petitioner's appeal was heard by the Commissioner of Central Excise (Appeals) on 9-1-2012 but no order has been passed on that till date. Along with the appeal the petitioner had also filed an application for stay which has also not been disposed of. The grievance of the petitioner is that while the matter has been heard and the order is reserved, the circular dated 1-1-2013 requires the respondents to recover the amounts within 30 days and that is why the notice dated 28-1-2013 has been issued. We have heard the learned counsel for the parties. We direct the Commissioner of Central Excise (Appeals) to pronounce the order either in the stay application or in the appeal finally within four weeks. Till such time, the respondent shall not take any coercive measures to recover the amount as demanded by the notice dated 28-1-2013. With these directions the writ petition is disposed of.

2. Dasti under the signature of Court Master.