

(1994) 11 AHC CK 0009
In the Allahabad High Court
Case No : Writ Petition No. 1239 of 1994

Capital Paper Mills (P) Ltd.	Vs	APPELLANT
Asstt. Collector of Central Excise		RESPONDENT

Date of Decision : 29-11-1994

Acts Referred:

Citation : (1995) 79 ELT 364

Hon'ble Judges : P.N. Nag, J;A.P. Misra, J

Bench : Division Bench

Judgement

1. Heard learned counsel for the petitioner and also the learned Standing Counsel appearing from the Respondents.
2. The petitioner seeks quashing of the notice dated 17-11-1994 issued by the Asstt. Collector, Central Excise for recovery and also for direction to the appellate authority namely Collector (Appeals) for deciding the appeal and Stay/Waiver Application.
3. The short question raised in this writ petition is that even though the petitioner moved an application for stay/waiver alongwith the appeal before the appellate authority namely Collector (Appeals), Ghaziabad and having heard the matter on 3-10-1994, yet the recovery authority namely Respondent No. 3 is proceeding to recover the amount against which the appeal has been preferred.
4. Looking to the facts and circumstances of the case and also as agreed by the learned counsel for the parties, we dispose of this writ petition finally at the stage of admission even before exchange of affidavits.
5. Since the appellate authority has already heard the stay/waiver application alongwith the appeal on 3-10-1994, the recovery notice dated 17-11-1994, Annexure A. 6 to the petition, shall be kept in abeyance until disposal of the stay/waiver application and the appeal which has been heard by the appellate authority and shall be subject to the orders to be passed in the said proceedings.

We hope and trust the appellate authority shall dispose of the said application and appeal at the earliest. Writ Petition is disposed of accordingly.

6. Copy be issued on payment of usual charges today.