

(1990) 10 AHC CK 0008

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. Nil of 1990

Ghai Ice-Cream (P) Ltd.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 09-10-1990

Acts Referred:

Citation : (1991) 36 ECR 240

Hon'ble Judges : B.P. Jeevan Reddy, C.J;G.D. Dube, J

Bench : Division Bench

Judgement

1. Against the order of the Assistant Collector, Excise the petitioner has filed an appeal before the appellate authority on 21.9.1990 along with stay petition. The petitioner says that no order has been passed thereon till today. We cannot say that the authority is guilty of unreasonable delay in passing order on stay petition. In the circumstances however, we are of the opinion that it is appropriate if the orders are passed on the stay petition at an early date. Accordingly it is directed that the appellate authority shall dispose of the stay petition filed by the petitioner within a period of two months from the date of production of a certified copy of this order by the petitioner before the appellate authority. Pending disposal of stay petition the recovery of disputed tax shall remain stay. It is made clear that if the appeal and stay petition have not been filed on 21.9.1990 as alleged or in case the petitioner does not produce the certified copy of this order before the appellate authority within a week from today this order shall not operate. The writ petition is disposed of accordingly.

Let a copy of this order be issued on payment of usual charges within 24 hours.