

(1989) 07 AHC CK 0006

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 91 of 1989

Gopi Krishna Agarwal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 25-07-1989

Acts Referred:

Citation : (1989) 24 ECC 36 : (1990) 26 ECR 89 : (1992) 61 ELT 182

Hon'ble Judges : K.C. Agarwal, Acting C.J.;MANUUP04551989.HTM, J

Bench : Division Bench

Advocate : A.P. Mathur, for the Appellant; N.B. Singh, for the Respondent

Judgement

1. We have heard Shri A.P. Mathur, learned counsel for the petitioner and Shri N.B. Singh for the Union of India. The petitioner is entitled to the release of goods seized from his custody in view of the orders dated 22-12-1987 and 24-12-1987 passed by the Assistant Collector. In compliance of these orders the petitioner has made the deposit of the amounts in cash with the Assistant Collector (Central Excise), Allahabad. The petitioner's case after having deposited the aforesaid amounts, is that he is entitled to the release of goods confiscated but the Assistant Collector unjustifiably and without any rhyme or reason is refusing to return the goods to the petitioner.

2. In reply to the petition a counter-affidavit has been filed. It has been stated that as against the orders mentioned above, the Union of India has filed an appeal to the Collector (Appeals), New Delhi and that one month time be granted to the Union of India for obtaining stay order. To us it appears that this petition can be disposed of by making an observation to the effect that if the stay order is obtained within one month from today, the rights of both the parties will be regulated in terms of the said stay order, but if the stay order is not obtained within the aforesaid one month, the petitioner will be entitled to the release of the entire confiscated goods, in accordance with the directions of the Assistant Collector Central Excise, Allahabad.

3. The writ petition is disposed of accordingly.