
(1994) 10 AHC CK 0091
In the Allahabad High Court
Case No : Writ Petition No. 982 of 1994

H. Guru Instruments (North India) Pvt. Ltd.	APPELLANT
Vs	
CEGAT	RESPONDENT

Date of Decision : 04-10-1994

Acts Referred:

Citation : (1996) 84 ELT 418

Hon'ble Judges : T.P. Garg, J;A.P. Mishra, J

Bench : Division Bench

Advocate : S.H.A. Naqvi, for the Respondent

Final Decision : Disposed Of

Judgement

A.P. Misra, J.—Heard learned counsel for petitioner and Sri S.H.A. Naqvi appearing for Union of India.

2. In view of the facts and circumstances of this case and also as agreed to by the learned counsel for the parties, this writ petition is being disposed of finally at the stage of admission even before exchange of affidavits.

3. The petitioner seeks quashing of the order dated 22-9-1994 passed by the Superintendent Central Excise Range-III Sahibabad and further a direction to respondents to lift the order of detention dated 22-9-1994 and also not to initiate recovery proceedings during the pendency of the stay/waiver application and the appeals already heard on 26-7-1994.

4. Having heard learned counsel for the parties and in view of the pendency of the aforesaid two appeals before respondent Nos. 1 and 3 it is not proper for us to enter into merits of the contention raised in the writ petition. From the averments made in the writ petition it is revealed that the petitioner has already preferred stay/waiver application alongwith the appeal before the Collector Appeals, Ghaziabad who has even heard the same as far back as on 26-7-1994 and till this date no order has been passed. Similar appeal is also pending before

respondent No. 1 Customs, Excise & Gold (Control) Appellate Tribunal, New Delhi and the stay/waiver application has yet not been decided. During this period since the respondent-authorities are pressing for recovery and the petitioner having no other alternative remedy, has filed this writ petition.

5. Looking to the aforesaid facts, we direct respondent Nos. 1 and 3 to dispose of the stay/waiver application preferably within a period of one month from the date the certified copy of this order is filed before the said authority. Petitioner will file copy of this order within two weeks.

6. Until disposal of the stay application, the recovery proceedings as against the petitioner in pursuance of the order dated 22-9-1994 shall remain stayed and further recovery shall be subject to the orders to be passed by the aforesaid authorities.

7. With the aforesaid observations the present writ petition is finally disposed of.

8. Certified copy of this order be issued to the Counsel for petitioner on payment of usual charges today.