
(1992) 01 AHC CK 0011

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 36 of 1992

Indodan Industries Ltd.

APPELLANT

Vs

Collector of Central Excise and Others

RESPONDENT

Date of Decision : 24-01-1992

Acts Referred:

Citation : (1992) 43 ECR 717

Hon'ble Judges : S.P. Srivastava, J;S.D. Agarwala, J

Bench : Division Bench

Judgement

1. Heard the learned Counsel for the petitioner and Sri V.K. Singh, learned Senior Standing Counsel for the Union of India.

2. An order dated 30.5.1990 was passed against the petitioner by the Assistant Collector, Central Excise, Muzaffarnagar demanding a sum of Rs. 3,80,519.04. Against this demand the petitioner has filed an appeal before the Collector (Appeals) Central Excise, Ghaziabad on 20.8.1990. Along with the appeal, the petitioner also moved an application with a request that the condition of pre-deposit of the above-mentioned amount of duty be kindly waived and the department should be restrained so as not to press the recovery of the same during the pendency of the appeal.

3. In the petition it has been stated that the application made by the petitioner for waiver of the pre-deposit has already been filed but orders have not been passed on the stay application of the petitioner.

4. Petitioner's grievance is that in spite of the fact that the application for waiver of the pre-deposit has been filed before the Collector (Appeals), the Tribunal Central Excise is proceeding for recovery against the petitioner without waiting for the decision on the application for waiver of the pre-deposit. In the interests of Justice, we consequently direct that till the petitioner's application for waiver of the pre-deposit filed on 20.8.1990 is not disposed of recovery proceedings against the petitioner shall remain stayed.

5. With the above direction, the writ petition is disposed of.
6. A copy of this order may be given to the learned Counsel for the parties on payment of usual charges within three days.