
(1998) 01 MP CK 0054
In the Madhya Pradesh High Court
Case No : Writ Petition No. 14 of 1998

Mardia Steel Ltd.

APPELLANT

Vs

Commissioner of Cus. and C. Ex.

RESPONDENT

Date of Decision : 12-01-1998

Acts Referred:

Central Excises and Salt Act, 1944 — Section 35, 35F

Citation : (1998) 60 ECC 31 : (1998) 100 ELT 23

Hon'ble Judges : Deepak Verma, J

Bench : Single Bench

Advocate : A. Upadhyay, for the Appellant; B.C. Neema, for the Respondent

Judgement

Deepak Verma, J.—This order shall also govern disposal of W.P. No. 20 of 1998 [Mardia Steel Ltd., Ratlam v. The Commissioner (Appeals) Central Excise Bhopal] and W.P. No. 21 of 1998 [Mardia Steel Ltd., Ratlam v. The Commissioner (Appeals) Central Excise, Bhopal] as they involve identical facts and law.

2. It is not in dispute that petitioner's appeal filed u/s 35 of the Central Excise Act is pending disposal on merits before respondent No. 1. It is further not in dispute that petitioner has also filed an application u/s 35F of the said Act for grant of interim stay. Petitioner's grievance is that even though it made hectic efforts to get the said appeal and the stay application listed for hearing, but the same have not been taken up for consideration; instead petitioner's goods have been detained and the same are likely to be put to auction sale.

3. In this view of the matter petitioner has been constrained to approach this Court for a direction to be given to the respondents for early hearing of petitioner's appeal and the stay application.

4. Shri Neema appearing for respondents submits that petitioner's appeal would be heard at an early date along with its application for stay.

5. In this view of the matter I deem it fit to dispose of this petition and the

connected petitions with the under noted directions :

(1) That respondent No. 1 shall make an endeavour to hear and dispose of petitioner's appeal and stay application within a period of two months hereof in accordance with law.

(2) During this period of two months the respondents shall not take any steps to auction petitioner's goods which have already been detained.

6. With these observations this petition and the connected petitions stand disposed of finally but with no order as to costs. CC in 3 days.