
(1995) 04 AHC CK 0087

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 564 of 1995

Olympic Zippers Pvt. Ltd.

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 25-04-1995

Acts Referred:

Central Excise Rules, 1944 — Rule 206

Citation : (1995) 79 ELT 13

Hon'ble Judges : Syed Rafat Alam, J;A.P. Misra, J

Bench : Division Bench

Advocate : H.N. Shukla, for the Respondent

Final Decision : Disposed Of

Judgement

A.P. Misra, J.—Heard the learned counsel for the petitioner and Shri H.N. Shukla, learned counsel appearing for the respondents.

2. The petitioner seeks release of seized goods which were made on 23rd August, 1994 and 14th September, 1994 provisionally.

3. The petitioner earlier filed a writ petition being Civil Misc. Petition No. 895 of 1994 seeking quashing of this very seizure and also release of seized goods.

4. Normally for the same relief a second writ petition is not maintainable. However, petitioner's contention is that this Court while disposing of the aforesaid writ petition had directed the respondents to pass order on the application for provisional release of petitioner's seized goods within a period of one month from the date of certified copy of the order was filed by the petitioner after giving him an opportunity. The said order having been served on respondents on 9-2-1995 but no order has been passed and the petitioner has been left with no other option but to seek directions from this Court.

5. When the writ petition was filed we granted time to Mr. H.N. Shukla, learned counsel for the respondents for obtaining instructions in this regard. When the

case was taken up today learned counsel states that in spite of sending communication to the respondents in writing he has not received any communication from them and he further stated that he communicated on telephone to the Meerut office but nobody has come nor has he received any communication. In view of the silence we are left with no other option except to pass the following order that in case no order has yet been passed by the respondents in accordance with the directions of this Court on 6th January, 1995 in the aforesaid earlier writ petition as also the said order has been served on the respondents, the respondents will release the goods seized provisionally which were through seizures dated 23-8-1994 and 14-9-1994 subject to the condition that petitioner will execute bonds and furnish security in the form of National Saving Certificates or similar such certificates acceptable by the respondents in accordance with Rule 206 of the Central Excise Rules, 1944. On petitioner's furnishing such certificates provisional release of goods seized may be made within a week thereafter.

6. With the aforesaid observations, this writ petition is finally disposed of.

7. A certified copy of this order may be given to the learned counsel for the petitioner within 24 hours on payment of necessary charges.