
(2013) 02 SHI CK 0002
In the High Court Of Himachal Pradesh
Case No : CWP No. 691 of 2013-J

S.C. Johnson Products Pvt. Ltd.	Vs	APPELLANT
Union of India		RESPONDENT

Date of Decision : 25-02-2013

Acts Referred:

Citation : (2013) 295 ELT 373

Hon'ble Judges : Kurian Joseph, C.J; Sanjay Karol, J

Bench : Division Bench

Advocate : Anshul Bansal, Shekhar Vyas and Ms. Bhoomika Verma, for the Appellant; Rajiv Jiwan, CGC, for the Respondent

Final Decision : Allowed

Judgement

Sanjay Karol, J.—Petitioner has mainly prayed for the following reliefs:- (i) That a writ of certiorari may very kindly be issued thereby quashing the C.B.E. & C. Circular/Letter No. 208/36/2012-CS, dated 1-1-2013;

(ii) That the Recovery Utter No. C. No. CE-20/Arrears/B.II/SCJ/2/2011/115/23.01.2013, dated 23-1-2013 and the Detention Order No. W(16)TRC/Detention Order/S.C. Johson/SML/9/12-13/18206, dated 4-2-2013; may very kindly be quashed and set aside.

Learned counsel has invited our attention to the fact that in identical matters proceedings for recovery initiated pursuant to the Circular in question, a Division Bench of High Court of Bharat Hotels Ltd. Vs. Union of India, has directed that till the decision is taken by the appellate authority, no coercive measure to recover the amount pursuant to the demand notice be taken. 2. It is also brought to our notice that the present petitioner has also preferred an appeal in which arguments have been heard and only order is to be pronounced.

3. As such, without going into the legality of the Circular in question, which is assailed in terms of prayer (i), a direction is issued to the Commissioner of Central Excise (Appeals), to pronounce the order in the appeal within a period of

four Weeks from today. It is clarified that till then the respondents shall not take any coercive measure to recover the amount, as demand in terms of recovery Letter No. C. No. CE-20/Arrears/B.II/SCJ/2/2011/115/23.01.2013, dated 23-1-2013. Also no coercive measure shall be taken pursuant to the detention order No. W (16)TRC/Detention Order/S.C. Johson/SML/9/12-13/18206, dated 4-2-2013. However, it is abundantly clarified that this Court has not adjudicated the present petition on merits. For the aforesaid reasons, the present writ petition is disposed of so also the pending application (s), if any.