

(1997) 09 MP CK 0088

In the Madhya Pradesh High Court

Case No : Writ Petition No. 1548 of 1997

Siddhartha Tubes Ltd.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 17-09-1997

Acts Referred:

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

Citation : (1998) 60 ECC 33 : (1998) 76 ECR 227

Hon'ble Judges : Deepak Verma, J

Bench : Single Bench

Judgement

1. Petitioner's grievance is that even though petitioner's appeal filed u/s 35 and the application filed for grant of stay u/s 35F of the Central Excise Act are pending for disposal before the respondent No. 1 since 1995, but till date the same have not been taken up for hearing or for consideration. Even after filing repeated applications for early hearing of the same. The last application in this regard was filed by the petitioner on 14.4.1997. Smt. Pandit submitted that even though the said application dated 14.4.1997 is still pending and on oral request being made for taking up the matter the same has not been considered.

2. Since petitioner's appeal and stay application are already pending disposal on merits, no case is made out for any interference in this petition. However, the petitioner shall be at liberty to approach respondent No. 2 Authority, who shall consider petitioner's request for hearing arguments on its stay application filed in the year 1996. On such a request being made an endeavour should be made by respondent No. 2 to hear the application, and if convenient also to hear the appeal on merits within a reasonable time.

3. With these observations the petition stands finally disposed of C.C. on payment in two days.