

(1997) 11 AHC CK 0013

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 725 of 1994

Siel Ltd.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-11-1997

Acts Referred:

Citation : (1998) 75 ECR 520

Hon'ble Judges : R.K. Gulati, J;M.C. Agarwal, J

Bench : Division Bench

Judgement

1. We have heard learned Counsel for the parties.
2. The contention of the petitioner is that it has filed as many as ten appeals before the second respondent Commissioner (Appeals), Central Excise, Ghaziabad together with stay and waiver applications but no orders have been passed either on stay or waiver applications or on the appeals and in the mean time, the fourth respondent, the Superintendent, Central Excise, Mawana, District-Meerut has threatened to take coercive steps against the petitioner for realisation of the demands which are the subject matter of dispute in the appeals. Particulars of the appeals filed by the petitioner have been set out in paragraph 5 of the writ petition which are as under:?
 - (i) Appeal No. 669-CE/APPL/MRT/dt. 5.9.1997.
 - (ii) Appeal No. 669-CE/APPL/MRT/97 dt. 5.9.1997.
 - (iii) Appeal No. 728-CE/APPL/MRT/1997 dt. 6.10.1997.
 - (iv) Appeal No. 727-CE/APPL/MRT/97 dt. 21.10.1997.
 - (v) Appeal No. 754-CE/APPL/MRT/97 dt. 21.10.1997.
 - (vi) Appeal No. 766-CE/APPL/MRT/97 dt. 3.11.1997.
 - (vii) Appeal No. 768-CE/APPL/MRT/97 dt. 3.11.1997

(viii) Appeal No. 767/CE/APPL/MRT/97 dt. 3.11.1997

(ix) Appeal No. 501/CE/APPL/MRT/97 dt. 18.8.1997

(x) Appeal No. 755/CE/APPL/MRT/97 dt. 21.10.1997

3. After hearing learned Counsel for the parties and considering the case taken up in the writ petition, the petition is disposed of with the direction to the second respondent to decide the stay and waiver applications, if they are still pending, expeditiously and in accordance with law, preferably within a period of three weeks a certified copy of this order is filed by the petitioner before the said respondent. For a period of five weeks no further coercive steps will be taken against the petitioner for realisation of the demand which are the subject matter of the aforesaid appeals or until disposal of stay and waiver applications, whichever is earlier. The petitioner undertakes to file a certified copy of this order before the second respondent together with a necessary application within ten days from today, failing which the protection granted under this order shall stand automatically discharged.

4. A certified copy of this order may be furnished to the learned Counsel for the petitioner on payment of usual charges within 48 hours.