

(1999) 08 MAD CK 0043

In the Madras High Court

Case No : Writ Petition No. 10354 of 1999

Sri Kanchi Steel Pvt. Ltd.

APPELLANT

Vs

Designated Authority, CCE

RESPONDENT

Date of Decision : 17-08-1999

Acts Referred:

Citation : (2000) 68 ECC 59 : (2000) 115 ELT 305

Hon'ble Judges : S. Jagadeesan, J

Bench : Single Bench

Advocate : K. Jayachandran, for the Appellant; V.M.G. Varadarajan, Additional Central Government Standing Counsel, for the Respondent

Final Decision : Allowed

Judgement

S. Jagadeesan, J.—The petitioner has filed the above writ petition, challenging the impugned proceedings of the respondent herein dated 3-

5-1999, declaring that the petitioner is not entitled to avail the benefit under Kar Vivad Samadhan Scheme, on the ground that the petitioner has

not paid 50 per cent of the disputed amount on or before the last date, i.e. 13-3-1999.

2. The admitted facts are that, the petitioner has received the order (Form-2B, dated 3-2-1999) on 11-2-1999. The last date for payment of 50

per cent of the disputed amount is 13-3-1999. The petitioner paid cash of Rs. 3,00,000/- on 13-3-1999. On the same day, he also paid Rs.

3,36,598/- by way of cheque and the cheque was received by the respondent and sent the same for realisation, which got realised on 16-3-1999.

3. Now the contention of the respondent is that since Rs. 3,36,598/- was remitted only on 16-3-1999 and not 13-3-1999, being the last date for

payment of the disputed amount, the petitioner is not entitled for the benefit of Kar Vivad Samadhan Scheme.

4. I am unable to agree with the stand taken by the respondent. There is no doubt that on 13-3-1999, the petitioner has paid a sum of Rs.

3,00,000/- by cash and gave the cheque for a sum of Rs. 3,36,598/- representing 50 percent of the disputed amount. The respondent, having

received the same and also having realised the cheque amount within two days thereafter, it is not open for them now to contend that the petitioner

has not paid 50 per cent of the amount within the prescribed last date under the Kar Vivad Samadhan Scheme. If the respondent had refused to

receive the cheque having known that the same represents part of the 50 per cent of the disputed amount and the same is being paid by the

petitioner only to have the benefit of the Kar Vivad Samadhan Scheme, the petitioner might have made some other arrangement and paid the cash.

Hence, the contention of the counsel for respondent cannot be countenanced. So, the impugned order is set aside and the writ petition is allowed.

The respondent is directed to consider the claim of the petitioner under Kar Vivad Samadhan Scheme. Consequently, W.M.P. No. 14657 of

1999 is closed. No. costs.