

(1996) 12 AHC CK 0095

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 842 of 1996

Synthetics and Chemicals Ltd.

APPELLANT

Vs

Commr. of C. Ex. (Appeals)

RESPONDENT

Date of Decision : 20-12-1996

Acts Referred:

Citation : (1997) 70 ECR 257 : (1998) 97 ELT 34

Hon'ble Judges : R.K. Gulati, J;Om Prakash, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard Counsel for the parties.
2. The contention of the petitioner is that though its appeal was heard on 13-11-1996, decision has not been pronounced so far and without awaiting decision on the appeal and on the stay application made by the petitioner, the respondents are rushing up with the recovery.
3. On these facts, the petition is disposed of finally directing the Central Excise Commissioner (Appeals), Allahabad (Respondent No. 1) either to decide the appeal within ten days and if that is not possible, then to decide the stay application within that period from the date a certified copy of this order is produced before the said respondent by the petitioner, who undertakes to produce the same within three days from today.
4. Until decision on the appeal or stay application as the case may be, further recovery proceedings will remain stayed against the petitioner.
5. If the petitioner fails to take steps as aforesaid then the stay order will stand vacated.
6. Certified copy of this order will be supplied to the parties on payment today.