
(2013) 02 KAR CK 0021

In the Karnataka High Court

Case No : Writ Petition No. 5381 of 2013 (T-TAR)

Texonic Instruments

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 01-02-2013

Acts Referred:

Citation : (2013) 288 ELT 510

Hon'ble Judges : H.N. Nagamohan Das, J

Bench : Single Bench

Advocate : S. Sivakumar, for the Appellant; T.M. Venkata Reddy, Central Govt. Sr. Standing Counsel, for the Respondent

Judgement

H.N. Nagamohan Das, J.—Sri. T.M. Venkata Reddy, Central Government Senior Standing Counsel is directed to take notice for respondents. In this writ petition the petitioner has prayed for a writ directing the respondents not to initiate coercive steps for recovery of the demand made in the letter dated 9-1-2013 - Annexure-A.

2. Annexure-A is an outcome of the order passed by the original authority under the provisions of the Service Tax Act. Learned counsel for the petitioner submits that against the order passed by the original authority an appeal is preferred before the Appellate Authority and the stay application is pending consideration. In the meanwhile the respondents have issued the impugned notice Annexure-A demanding payment of service tax as determined by the original authority. The stay application filed by the petitioner is not considered since the Tribunal was not sitting for certain period. Now it is brought to my notice that the Tribunal may start sitting from the first week of February 2013. In the circumstances the writ petition is hereby disposed off directing the Tribunal to consider the stay application filed by the petitioner in the appeal before them within a time frame of three weeks. Till the disposal of the stay application by the Appellate Authority the respondents shall not take coercive steps against the petitioner. The Tribunal to expedite the matter without being influenced by any of the observations made

in this order. Three weeks time is granted to file memo of appearance.