

(1990) 09 AHC CK 0003

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. Nil of 1990

Uttar Pradesh State Cement Corporation Limited, Unit Chunar
Cement Factory

APPELLANT

Vs

Superintendent, Central Excise, Range II and Others

RESPONDENT

Date of Decision : 13-09-1990

Acts Referred:

Citation : (1991) 33 ECR 655

Hon'ble Judges : B.P. Jeevan Reddy, C.J.;S.C. Verma, J

Bench : Division Bench

Judgement

B.P. Jeevan Reddy, C.J.—The main grievance of the petitioners in all these writ petitions is that though it has filed appeals along with stay petitions as far back as 16.2.1990 no orders have been passed on the stay petitions and at the same time, the authorities are proceeding to recover the disputed amount of duty.

2. The petitioner is a Corporation wholly owned and controlled by the State Government.

3. We see no justification for the appellate authority not passing orders on these stay petitions all these months. In the circumstances, we have no option but to pass the following order:

Within one week of the petitioner's producing a certified copy of this order before the appellate authority, the appellate authority shall pass final orders on the stay applications within two months from such date. If the certified copy is not so produced before the appellate authority or stay applications have already been disposed of, this order shall not operate. But if the certified copy of this order is so produced, and the stay applications are still pending, there shall be a stay of recovery of the disputed amount of duty pending disposal of the stay applications.

4. The writ petition is disposed of with the above directions. No costs.

5. Certified copy of this order may be issued to the petitioner's counsel on payment of usual charge by tomorrow.