

HIGH COURT OF CHHATTISGARH, BILASPUR

WPT No. 84 of 2015

M/s Vinayak Ex-Servicemen Coal Carrier Pvt. Ltd. A Company Duly Incorporated Under The Companies Act, 1956, Having Its Registered Office At B-187, G.M. Complex, Jarhi, Post Office Bhatgaon Colliery, Surguja, Chhattisgarh

---- Petitioner

Versus

1. Commissioner, Central Excise And Customs, Central Revenue Building, Civil Lines, Post Office Civil Lines, Thana Civil Lines, Raipur, Chhattisgarh
2. Deputy Commissioner, Customs, Central Excise And Service Tax Division, Plot No. 5, Chaitanya Nagar, Raigarh, Chhattisgarh
3. Superintendent, Central Excise & Service Tax, Range - Service Tax, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh
4. South Eastern Coalfields Ltd., Through The CMD, SECL, Headquarter, Seepat Road, Bilaspur , District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For Respondents No. 1 to 3	:	Shri Manish Sharma, Advocate
For Respondent No.4	:	Shri R.K. Gupta, Advocate

Order On Board

21/09/2015

Heard.

1. Learned counsel for respondents No. 1 to 3 was granted time to verify whether the delay is for any reason attributable to the petitioner. He submits that the petitioner has not sought any adjournment as per his instructions.
2. In that view of the matter, this petition can be finally disposed off on similar terms as per order passed by this Court in MCC No.71/2015.
3. Accordingly, in the fact and circumstances of the case and the fact that the petitioner has not come up for hearing before the Tribunal, I am inclined to grant protective umbrella to the petitioner. The respondents shall not adopt any coercive proceedings to recover the amount till disposal of petitioner's application for stay/waiver of pre-deposit before the Tribunal.
4. It is made clear that when application is listed for hearing before the Tribunal and if any adjournment is sought by the petitioner or the case is adjourned for any reason

attributable to the petitioner, this protective umbrella shall automatically loose its efficacy.

5. The petition is accordingly disposed off.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

Praveen