

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 4107 of 2015 (K)

PETITIONER(S):

**M/S.PANKAJAKASTHURI HERBALS INDIA (P) LTD.,
POOVACHL, TRIVANDRUM - 695 575.**

**BY ADVS.SMT.R.CHITRA,
SRI.B.RAVINDRAN NAIR,
SRI.G.ANANTHANARAYANAN.**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY REVENUE SECRETARY,
MUNISTRY OF FINANCE, NEW DELHI - 110 001.**
- 2. THE COMMISSIONER OF CENTRAL EXCISE & CUSTOMS (APPEALS),
CR BUILDINGS, I S PRESS ROAD, COCHIN - 682 018.**
- 3. JOINT COMMISSIONER OF CENTRAL EXCISE & CUSTOMS,
ICE BHAVAN, PRESS CLUB ROAD, TRIVANDRUM - 695 001.**
- 4. DEPUTY COMMISSIONER OF CENTRAL EXCISE & CUSTOMS,
1ST FLOOR, SREYAS BUILDING, GPO LANE,
TRIVANDRUM - 695 001.**
- 5. THE MANAGER, CORPORATION BANK,
MAIN BRANCH, TRIVANDRUM.**

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 4107 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE PAPER BOOK OF THE APPEAL FILED BY THE PETITIONER IN RESPECT OF ORDER-IN-ORIGINAL NO. 1/2010 CE DATED 16.09.2010 BEFORE THE SECOND RESPONDENT.
- P2 - TRUE COPY OF THE LETTER DATED 07.11.2014 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- P3 - TRUE COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DATED 30/01/2015 TO THE 4TH RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 4107 of 2015 (K)

.....
Dated this the 10th day of February, 2015

JUDGMENT

Against an order confirming the demand of central excise duty and penalty on the petitioner, the petitioner has preferred Ext.P1 appeal before the 2nd respondent along with a stay petition. The grievance of the petitioner in the writ petition is that even before passing final orders in the appeal, after the same was heard by the 2nd respondent on 25.11.2014, recovery steps are sought to be initiated against the petitioner for recovery of the amounts confirmed against him by the order, against which Ext.P1 appeal was filed.

2. I have heard Sri.R.Chitra, the learned counsel appearing on behalf of the petitioner as also Sri.Thoma Mathew Nellimoottil, the learned Standing counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I dispose the writ petition with the following directions:

(i) There will be a direction to the 2nd respondent to pass final orders on Ext.P1 appeal within a period of one month from the date of receipt of a copy of this

judgment.

(ii) It is made clear that pending passing of final order on Ext.P1 appeal and communicating the same to the petitioner, the 2nd respondent shall ensure that no recovery or coercive steps are initiated or continued against the petitioner, for realisation of the amounts due under the order against which Ext.P1 appeal is filed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/10/02/