

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 6007 of 2015 (A)

PETITIONER(S):

**SHRI.I SAFARUDEEN,
R.B.MANZIL, CHOLA, PUTHENCHANTHA (P.O)
PANMANA-691587, KOLLAM.**

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

RESPONDENT(S):

- 1. UNION OF INDIA
REPRESENTED BY REVENUE SECRETARY
MINISTRY OF FINANCE, NEW DELHI-110001.**
- 2. THE COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS (APPEALS)
CR BUILDINGS, I.S.PRESS ROAD, COCHIN-682018.**
- 3. ASSISTANT COMMISSIONER OF CENTRAL EXCISE & CUSTOMS,
VARINJAM TOWERS, RESIDENCY ROAD, KOLLAM.**
- 4. THE ACCOUNTS OFFICER
KMML (KERALA METALS & MINERALS LIMITED),
SARKARAMANGALAM, CHAVARA,
KOLLAM.**

**R1- 3 BY SRI.RANJITH J.KOSHY, SC,
SRI.THOMAS MATHEW NELLIMOOTTIL, SC
R4 BY SMT.LATHA KRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 6007 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE APPEAL ALONG WITH CONDONATION PETITION
FILED BY THE PETITIONER BEFORE THE R2**

**EXHIBIT P2: TRUE COPY OF THE LETTER DT.3.12.2012 ISSUED BY THE SECOND
RESPONDENT TO THE PETITIONER ACKNOWLEDGING THE RECEIPT
OF THE APPEAL.**

**EXHIBIT P3: TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT
DATED 20.1.2015.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DELIVERED BY THE HON'BLE HIGH
COURT OF KERALA IN WPC NO.764 OF 2015 (U).**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO. 6007 OF 2015 (A)

Dated this the 25th day of February, 2015

J U D G M E N T

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 delay condonation petition. The grievance of the petitioner in the writ petition is that even before passing final orders in the appeal, 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.G.Ananthanarayanan, the learned counsel appearing on behalf of the petitioner as also Sri.Ranjith J, Koshy, 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 orders 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE