

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17652 of 2015 (F)

PETITIONER(S) :

M/S. ARYA VAIDYA SALA KOTTAKKAL,
FACTORY COMPLEX, KANJIKODE, PALAKKAD - 678 621,
REPRESENTED BY ITS MANAGING TRUSTEE, DR. P.K.WARIER.

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR,
SRI.P.GOPINATH,
SRI.P.BENNY THOMAS,
SRI.K.JOHN MATHAI,
SRI.JOSON MANAVALAN &
SRI.KURIAN THOMAS.

RESPONDENT(S) :

1. UNION OF INDIA,
REPRESENTED BY ITS REVENUE SECRETARY,
MINISTRY OF FINANCE, NEW DELHI - 110 004.
2. THE COMMISSIONER OF CENTRAL EXCISE (APPEALS),
CENTRAL REVENUE BUILDING, IS PRESS ROAD,
COCHIN - 682 018.
3. THE ADDITIONAL COMMISSIONER OF CENTRAL EXCISE
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE,
CUSTOMS AND SERVICE TAX, CALICUT COMMISSIONERATE,
CR BUILDING, MANANCHIRA,
CALICUT - 673 001.
4. THE SUPERINTENDENT OF CENTRAL EXCISE,
CUSTOMS AND SERVICE TAX, PALAKKAD 1-C RANGE,
PALAKKAD - 678 001.

BY SRI.THOMAS MATHEW NELLIMOOTTIL, SC, CB EXCISE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1: A TRUE COPY OF THE ORDER IN ORIGINAL NO.9/2012 CE DATED 30.11.2012 PASSED BY THE 3RD RESPONDENT.

EXT. P2: A TRUE COPY OF THE APPEAL DATED 30.01.2013 (WITHOUT ANNEXURES) FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT. P3: A TRUE COPY OF THE STAY PETITION DATED 30.01.2013 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT. P4: A TRUE COPY OF THE OC.NO.431/2015 DATED 01.06.2015 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17652 of 2015

Dated this the 12th day of June, 2015

J U D G M E N T

The petitioner has filed this writ petition challenging Ext.P1 order passed by the 3rd respondent. The petitioner has preferred Ext.P2 appeal and Ext.P3 stay petition against the said order.

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents.

Considering the facts and circumstances of the case, this writ petition is disposed of directing the 2nd respondent to consider the stay petition, after issuing notice to the petitioner, within a period of two months from the date of receipt of a copy of this judgment. Till a final decision is taken as directed above, all the coercive proceedings pursuant to Exts.P1 & P4 shall be kept in abeyance.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV