

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8814 OF 2016

Astor Corporation Private Limited

... Petitioner

Vs

1. Union of India & Anr.

... Respondents

Mr. Sujoy Kantawala with Mr. Brijesh Pathak for the
Petitioner.

Mr. Swapnil Bangur with Ms. Shalaka A. Gujar-Karande for the
Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

MONDAY, 22ND AUGUST, 2016

P.C. :

1. Heard both sides. Perused the petition and the affidavit
in reply which is taken on record.

2. At page 48 of the paper-book and in paragraph 3(h), this
is what is stated :

*"h. With the Reference to the Contents of
Paragraphs 11 to 16 I say that this Petition should be
rejected as the Respondent No.2 is filing Revision
Application before the Revisionary Authority,*

Government of India as per the direction of the Hon'ble CESTAT, Mumbai. And hence the above petition is hasty and premature."

3. After having heard both sides, we find that the state of affairs where the respondent No.2 is filing Revision Application and will then move it at their leisure would not be countenanced by this Court.

3. We direct that if in the Revision Application no interim orders are obtained by the respondents within four weeks, then, immediately after the expiry of four weeks, they shall release the amount as directed to be refunded under the appellate order. This would be without prejudice to the rights and contentions in the Revision Application and of both parties.

4. The Writ Petition is, accordingly, disposed of.

B.P. COLABAWALLA, J. S.C. DHARMADHIKARI, J.