

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 38 OF 2015
IN
CENTRAL EXCISE APPEAL NO. 285 OF 2013**

M/s. Cargill Foods India Ltd.	...Appellant
<i>Versus</i>	
The Commissioner of Central Excise, Pune-III	...Respondent

Mr. Prakash Shah, with Mr. Jas Sanghavi, i/b M/s. PDS Legal, for
the Appellant/Applicant.
None for the Respondent.

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.
DATED: 11th January 2016**

PC:-

1. Having heard both sides, the Tribunal has confirmed the duty amount to Rs. 1.20 lakhs and odd and in furtherance of an interim order of the Tribunal, the Appellants have deposited sum of Rs.24 Lakhs only. Interest of Justice would be served if the following order is passed on this application for stay:-

- (a) On the Appellant depositing 50% of the tax demanded and confirmed by the Tribunal's order. Needless to state that the deposit is without prejudice to the rights

and contentions in the present Appeal. On deposit as above, there would be a stay of recovery of the balance sum and interest. The 50% amount that is required to be deposited under the present order shall be over and above the sum of Rs. 24 lakhs already deposited.

- (b) On compliance as above, needless to clarify that there would be a stay of the recovery of penalty imposed in the other Appeal on the individual directors pending this Appeal.
- (c) Both Notice of Motions are disposed of in the above terms. There will be no order as to costs.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)