

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.42532 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

While the action of the third respondent in initiating legal proceedings without issuing a show cause notice is questioned in this Writ Petition, and our attention is drawn to certain statements said to have prepared by the Department calling upon the petitioner to pay Rs.35,67,985/-, Sri A.R.Madhava Rao, learned counsel appearing on behalf of Sri Avinash Desai, learned counsel for the petitioners, would submit that these proceedings have been initiated, and a threat of seizure and confiscation is being made, without even putting the petitioner on notice, and without an order being passed in this regard.

Sri P.S.P.Suresh Kumar, learned Standing Counsel for Central Excise, on instructions, would submit that the petitioners' apprehension is without basis; the respondents are causing an investigation in this regard; after completion of investigation, they would proceed to take action after putting the petitioners on notice, and after giving them an opportunity of being heard; and the respondents would not seize or confiscate any material in the interregnum.

Sri A.R.Madhava Rao, learned counsel for the petitioners, would fairly state that the petitioners would co-operate with the investigation being carried out by the Department. The submission of Sri P.S.P.Suresh Kumar, learned Standing Counsel, is recorded to the effect that the respondents would not seize or confiscate any material, and would not take any coercive steps, for recovery of any amount from the petitioner, without issuing a show cause notice, and without giving the petitioners an opportunity of being heard.

Recording the submission of Sri P.S.P.Suresh Kumar, learned Standing Counsel, on instructions, and as the petitioners' apprehension is, in view of the aforesaid submission of the learned Standing Counsel,

not well founded, the Writ Petition is closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

4th January 2016

RRB