

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WRIT PETITION NO.15850 OF 2016

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ORDER: *(Per Hon'ble Sri Justice Ramesh Ranganathan)*

Heard Sri C.V.R. Rudra Prasad, learned counsel for the petitioner and Sri Jalakam Satyaram, learned Standing Counsel for Central Excise and, with their consent, this writ petition is disposed of at the admission stage.

The relief sought for in the writ petition is to declare the action of the first respondent in not deciding/passing any orders on Appeal No.18 of 2016, and the stay petition filed therewith, as illegal and arbitrary.

It is the petitioner's case that, against the assessment order dated 29.07.2015, they had preferred an appeal along with an application seeking stay; the said appeal was filed on 22.03.2016; and, while no orders have been passed in the stay petition till date, the second respondent was insisting on payment of duty, in terms of the adjudication order, in the absence of any order being passed by the Appellate Authority.

Sri Jalakam Satyaram, learned Standing Counsel for Central Excise, would submit that, as the appeal is pending, it would suffice if the first respondent is directed to decide the appeal or the stay petition within a specified time frame.

We consider it appropriate, in such circumstances, to dispose of the writ petition directing the first respondent to pass orders either on the stay petition, or in the appeal itself, within four weeks from the date of receipt of a copy of this order. Till orders

are passed either in the appeal, or in the stay petition, the second respondent shall not take any coercive steps for recovery of duty in terms of the adjudication order.

The writ petition stands disposed of accordingly.

No order as to costs. Consequently miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAMESH RANGANATHAN

JUSTICE M.SATYANARAYANA MURTHY

08.06.2016.

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