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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4858/2015**

GAHOI TOBACCO PVT. LTD. & ANR. Petitioner

Through: Mr. Deepak Kumar Singh, Advocate.

versus

CHIEF COMMISSIONER OF CENTRAL EXCISE & ANR.

..... Respondents

Through: Ms. K. Enatoli Sema, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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07.10.2016

The petitioner claims quashing of a sanctioning prosecution by an order made by the Chief Commissioner, Central Excise for alleged evasion of excise duty. It is contended that since the adverse order made against the petitioner by the primary adjudicating authority is pending appeal before the CESTAT, no further action towards prosecution should be permitted.

We notice from the record that the revenue has requested the CESTAT to set aside all the appeals and to decide the pending proceeding before court expeditiously. Furthermore, the appeal referred by the petitioner is of the year 2012. In the circumstances, the CESTAT is requested to decide the appeal expeditiously and

preferably within six months from today. In the event, the prosecution is initiated, it is open to the petitioner to seek deferment of the proceedings if the appeal preferred by it is still pending.

The writ petition is disposed of in above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 07, 2016

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