

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 6155 of 2017

IN

CENTRAL EXCISE APPEAL NO. 04 OF 2015

ISMT Limited. ... Applicant.

VERSUS

Commissioner of Central excise ... Respondent.
and Customs, Aurangabad Customs &
Central Excise Commissionerate.

...

Mr.Amit A. Yadkikar, Advocate for applicant.
Mr. D.S. Ladda with Mr. K.D. Mundhe, Advocates for
respondent.

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 8th December, 2017

ORDER:

1. Mr. Yadkikar learned advocate for the applicant submits that pursuant to the orders passed by this Court, the applicant has deposited Rs. 15,00,000/-. This Court under order dated 10.03.2017 had directed the applicant to deposit 50 % amount of penalty. The learned advocate submits that it is not possible for the applicant to comply the remaining condition of the order of this Court because of weak financial condition. The applicant is facing financial stringencies. There are huge operative losses. Further it has become difficult to pay salary of the employees. The learned advocate submits that this Court may waive

the condition of deposit of 50 % amount. Rs. 15,00,000/- is deposited to show bonafides of the applicant.

2. Mr. Ladda, learned advocate for the respondent opposes the application.

3. We have considered submissions. In money matters this court is slow to grant blanket stay. After admitting the appeal stay is granted to the impugned judgment on condition that the applicant to deposit 50 % amount of penalty. The applicant has deposited Rs.15,00,000/-. Amount of Rs. 34,00,000/- still remains unpaid as per the order passed by this Court.

4. We are not inclined to waive the condition of deposit of 50 % amount as directed under order dated 10.03.2017. However, considering the difficulties expressed, we grant four months further time to the applicant to deposit the remaining amount as directed by this Court under order dated 10.03.2017 in Civil Application No. 2609/2017.

5. Civil Application accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

