

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

CRIMINAL APPLICATION NO. 2656 OF 2015
IN
CRIMINAL WRIT PETITION NO. 412 OF 2014

Dhananjay Panditrao Munde

..Applicant

Versus

The Assistant Commissioner of
Central Excise & Customs, Nanded

..Respondent

Mr S.S. Thomre Advocate h/f Mr A.G. Talhar, Advocate for applicant
Mr D.S. Ladda, Standing Counsel for respondent-Union of India

**CORAM : R.M. BORDE AND
A.M. DHAVALA, JJ.**

DATE : 5th July 2017

PER COURT

1. The applicant, in Criminal Writ Petition No.412 of 2014 has prayed for grant of following prayers :

"(A) This Criminal Writ Petition may kindly be allowed.

(B) Record and Proceedings of this case be called for.

(C) By appropriate writ order or direction, the respondent authority may kindly be directed not to take any coercive action as against the petitioner unless and until the authority passes an order or adjudicate the amount of interest and penalty.

(D) By appropriate writ, order or direction, the notice dated 13.03.2014 issued by the Office of the respondent i.e. Assistant Commissioner of Central Excise & Customs, Nanded Division, Nanded to the extent of directing the petitioner to pay the amount of Rs.57.24 lacs towards the penalty and interest on the declared amount in VCES Scheme, 2013 may kindly be quashed and set aside.

(E) By appropriate writ, order or direction, the respondent herein may kindly be directed to decide the application

dated 30.03.2014 and 02.04.2014 submitted by the petitioner thereby praying for extension for the payment of the interest and penalty amount to the extent of Rs.57.24 lacs.

(F) Pending the hearing and final disposal of this Writ Petition, the respondent herein may kindly be directed not to take any coercive action as against the petitioner as contemplated u/s 89 (1) (i) of the Finance Act, 1994 for non-payment of the amount of Rs.57.24 lacs as directed in the notice dated 13.03.2014.

(G) Any other suitable and equitable orders may kindly be passed in favour of the present petitioner."

2. The learned Counsel for the applicant, on instructions states that considering the prayer clauses (D) and (E) contained in the petition, it is abundantly clear that the nature of grievance raised in the petition is predominantly of civil nature. The applicant, on instructions, states that the request made in the petition in terms of prayer clauses (C) and (F) is not pressed.

3. The applicant, as such seeks leave to convert the Criminal Writ Petition into civil Writ Petition.

4. Leave granted. Necessary steps be taken within a period of two weeks from today.

5. Criminal Application stands disposed of.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)