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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1169 OF 2017
IN
CENTRAL EXCISE APPEAL NO.26 OF 2013**

Sterlite Technologies Ltd.	... Applicant
Vs.	
Commissioner of Central Excise and Service Tax (LTU), Mumbai	... Respondent

Mr. Vipul Jain a/w Mr. Ramnath Prabhu for the Applicant.
Mr. Pradeep S. Jetly for the Respondent.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 19th SEPTEMBER, 2017

PC.

1 Heard the learned counsel appearing for the applicant and the learned counsel appearing for the respondent. Perused the order dated 6th March, 2014 by which the Appeal preferred by the applicant against the order of the Customs, Excise and Service Tax Appellate Tribunal was admitted by framing a substantial question of law.

2 The applicant is seeking interim relief restraining the respondent from seeking recovery of payment of Rs.34,80,214/- along with interest and penalty of Rs.34,80,214/-.

3 The entire amount will have to be secured as a condition for grant of interim relief. Considering the nature of the impugned orders and the question of law framed, we dispose of this Notice of Motion by passing the following order :-

ORDER

(i) Notice of Motion is made absolute in terms of prayer clause (a) subject to following conditions :-

(1) The Applicant shall deposit a sum of Rs.17 Lakhs with the Respondent within a period of eight weeks from today. The deposit will be without prejudice to the rights and contentions of the applicant in the Appeal and subject to final outcome of the Appeal; and

(2) The applicant shall furnish bank guarantee of any Nationalised Bank to the satisfaction of the Prothonotary and Senior Master of this Court covering the entire balance amount payable within a period of six weeks from today. The bank guarantee shall be kept alive till the disposal of the appeal. Before accepting the bank

guarantee, the Respondent shall be heard by the
learned Prothonotary;

- (ii) On failure of the applicant to comply with any of the
two conditions within the stipulated time, interim relief
shall stand vacated without further reference to the
Court.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)