

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.07.2017

Coram:

The Hon'ble Mr. Justice T. S. Sivagnanam

**W.P.No. 38938 of 2004
and
W.M.P.No. 46477 of 2004**

M/s. Crocodile (India) Pvt. Ltd.
2, FCI Complex, Karamadai,
Coimbatore – 641 104.
...Petitioner

Versus

The Assistant Commissioner of
Central Excise,
Coonoor Division,
Mettupalayam.
...Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying for a issuance of writ of certiorari to call for the records impugned
notice titled as “Notice of Demand To Defaulter” bearing Ref.No.32/2004
dated 15.12.2004 of the respondent and quash the same.

For petitioner : Mr. C. Saravanan

For respondent : Mr. S. R. Sundar,
Senior Panel Counsel

ORDER

Heard Mr. C. Saravanan, the learned counsel appearing for the petitioner and Mr.S.R. Sundar, the learned Senior Panel Counsel for the respondent.

2. The petitioner has filed this Writ Petition, challenging the notice of demand to the defaulter, dated 15.12.2004, on the ground that, as against the order in original, the petitioner has proffered Appeal. The Court, on being satisfied that the petitioner has made out a *prima facie* case, had granted interim order on 28.12.2004. The order of stay has remained in force since then. The counsel on either side do not have any information, as to whether the Appeal filed by the petitioner as against the order in original has been disposed of or not. In any event, the petitioner had the benefit of the Stay Order since 2004, and it shall continue till the disposal of the Appeal by the Appellate Authority if not already disposed of. No costs.

17.07.2017

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Index : Yes/No

To

The Assistant Commissioner of
Central Excise,
Coonoor Division,
Mettupalayam.



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T.S.Sivagnanam, J.

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W.P.No. 38938 of 2004

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