

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17820 of 2017 (O&M)

Date of Decision:- 11.08.2017

Vikram Anand

... Petitioner

Versus

The Assistant Commissioner, Central Excise Division, Bahadurgarh and
others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Anil Bhat and Mr. Saurabh Munjal, Advocates,
for the petitioner.

Rajesh Bindal, J.

The only grievance of the petitioner is that against the order passed by the Commissioner of Central, Excise Appeals-II, Delhi dated 17.01.2017, the petitioner has preferred appeal before The Customs, Excise and Service Tax Appellate Tribunal (for short, 'the Tribunal') along with application for interim stay however, the Assistant Commissioner, Central Excise is enforcing recovery against the petitioner though stay application has not yet been taken up for hearing.

In our opinion, the present petition can be disposed of without issuing notice to the respondents keeping in view the facts as stated by learned counsel for the petitioner. Once application for interim stay filed by the petitioner along with the appeal is pending before the Tribunal, till such

time the same is decided by the Tribunal recovery of the amount, which is subject matter of appeal before the Tribunal, shall not be effected.

The writ petition is accordingly disposed of.

(Rajesh Bindal)
Judge

August 11, 2017
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No