

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 2629 OF 2016

IN

CUSTOM APPEAL NO. 83 OF 2016

**The Commissioner of Customs (Import-I) ...Applicant/
Appellant**

Versus

Medical Engineers (I) Ltd. & Ors. ...Respondents

Mr. Pradeep S. Jetly, for the Applicant/Appellant.

Ms. Ankita Vashistha, i/b UBR Legal, for the Respondents.

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, JJ.**

DATE : 12 October 2018

ORDER :

1. This Motion has been taken out in an Appeal under

Section 130 of the Customs Act, 1962 (“*the Act*”) from Order dated 27th May 2015 passed by the Customs, Excise & Service Tax Appellate Tribunal (for short “*the Tribunal*”).

2. The Appeal has been admitted on 3rd October 2017.

3. Shri. Jetly, the learned Counsel appearing in support of the Motion, states that this Appeal from the order of the Tribunal has been admitted. This as it gives rise to a substantial question of law, which would warrant a stay the impugned order dated 27th May 2015 of the Tribunal.

4. It is a settled position that mere admission of an Appeal does not warrant a stay of the order impugned in Appeal. The admission of an Appeal only indicates that the issue raised is debatable, requiring further consideration. In the absence of any extra ordinary circumstances such as irreparable damage in case the impugned order is not stayed till the final disposal, stay is not granted. No such circumstances are shown

to exist in the facts of this case, therefore, no stay of the impugned order dated 27th May 2015 of the Tribunal can be granted.

5. In the above view, the Motion is dismissed. No order as to costs.

[RIYAZ I. CHAGLA J.]

[M.S. SANKLECHA, J.]