

**CWP No.23176 of 2015 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No.23176 of 2015 (O&M)**

**Date of decision : 12.09.2018**

M/s Dharam Steel Industries

...Petitioner

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL  
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Jagmohan Bansal, Advocate  
for the petitioner.  
Mr. Sourabh Goel, Sr. Standing Counsel  
for the respondents.

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**RAJESH BINDAL, J.**

The present writ petition was filed with a prayer that no coercive steps be taken for recovery of duty and interest during the pendency of the appeal filed by the revenue before the Customs, Excise and Service Tax Appellate Tribunal, Chandigarh (in short 'the Tribunal'), against an order passed by the Commissioner of Central Excise (Appeals), Chandigarh, which was in favour of the petitioner.

Learned counsel for the petitioner submitted that during the pendency of the present petition, the appeal filed by the revenue has been decided by the Tribunal on 04.05.2017, as a result of which, demand of duty levied on the petitioner was partly set aside and partly confirmed, whereas interest and penalty was set aside.

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He further submitted that as a consequence thereof, approximately, an amount of ₹3 Lacs would be payable by the petitioner to the department, which he will pay within a period of one month from today. In case, there is any further amount due, the department may inform the petitioner, the same shall also be paid immediately thereafter. However, the department should withdraw the communications sent to the Tehsildar for recovery of the amount, which admittedly is not due as on date.

Learned counsel for the respondents-revenue did not dispute the fact that the appeal filed by the revenue has been decided by the Tribunal, as a consequence of which, partly the petitioner is entitled to certain relief on account of duty, interest and penalty.

He further submitted that as a consequence of the aforesaid order passed by the Tribunal, actual amount due from the petitioner shall be calculated and he shall be intimated the same within a period of four weeks.

After hearing learned counsel for the parties and considering the fact that during the pendency of the present petition, as a result of the order passed by the Tribunal, the amount of duty, interest and penalty, which was sought to be recovered by taking coercive steps has been substantially reduced, therefore, action to recover the amount from the petitioner, which is not due, by taking coercive steps, is not legally sustainable, hence, set aside.

The petitioner as undertaken will deposit an amount of ₹3 Lacs within a period of one month from today. The department will calculate actual amount due in compliance to the order passed by the Tribunal and intimate the petitioner within a period of four weeks, to enable the petitioner

to clear the same.

The present writ petition is disposed of, accordingly.

( RAJESH BINDAL )  
JUDGE

12.09.2018  
Yogesh Sharma

( AMIT RAWAL )  
JUDGE

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Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No