

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO. 13216 OF 2023
IN
WRIT PETITION NO. 1429 OF 2019***

Union of India through Divisional
Railway Manager, Central Railway,
Bhusawal Division, Bhusawal

... Applicant/Petitioner

V/s.

Commissioner of Central Excise and Customs ... Respondent

Mr. T.J. Pandian for the Applicant/Petitioner

Mr. Karan Adik with Ms. Maya Majumdar for the Respondent

***CORAM : NITIN JAMDAR , ACJ &
ABHAY AHUJA, J.***

DATE : 07 JULY 2023

P.C. :-

The matter is moved for modification of the order dated 9 January 2023.

2. By this order the Writ Petition was allowed and delay in filing the Appeal before the Tribunal was condoned. This was however subject to the Petitioner – Union of India depositing 25% of the principal amount in the Tribunal.

3. The learned Counsel for the Petitioner states that the Registrar of the Tribunal has informed the Petitioner that except the amount of tax they have no Accounts Head under which this amount can be accepted.

4. Without going into the question whether this stand is correct or otherwise, to avoid any further delay, paragraph 11 of the order dated 9 January 2023 is modified and replaced by the following paragraph :-

“The Writ Petition is allowed in terms of prayer clause (a), subject to the Petitioner depositing 25% of the principal amount in this Court within a period of four weeks from today. Subject to the outcome of the Appeal pending in the Tribunal, liberty to the party who is entitled to withdraw the amount to apply to this Registry for withdrawal.”

5. Except this modification, rest of the order will remain as it is.

6. Interim Application stands disposed of.

ABHAY AHUJA, J.

ACTING CHIEF JUSTICE