

Silicon Electricals Vs. C. Kurup, Superintendent Central Excise, and 9 ors.

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Court : Mumbai

Decided On : Jul-08-1985

Reported in : 1989(20)LC358(Bombay)

Judge : Pendse, J.

Appeal No. : Writ Petition No. 2647 of 1985

Appellant : Silicon Electricals

Respondent : C. Kurup, Superintendent Central Excise, and 9 ors.

Judgement :

Pendse, J.

1. Heard Shri Taleyarkhan [for the petitioners and Shri Sethna for the respondents.
2. After arguments, I felt that it would be appropriate in the circumstances of the case to direct return of documents set out at Exhibit 'D' to the petition to the petitioners on following conditions. Shri Taleyarkhan states that the documents set out at Item Nos. 1, 5, 10, 15 and 16 are not required by the petitioners, but the remaining documents are required to enable the petitioners to complete their returns for payment of sales-tax and income-tax. In these circumstances, the remaining documents should be returned to the petitioners on following conditions.

(i) The respondents would take photostat copies of the documents to be returned to the petitioners at the expense of the petitioners. The petitioners shall deposit an amount of Rs. 1000/- with the respondents within three days from to-day and on such deposit being made, the original documents should be returned to the petitioners within a period of two weeks therefrom. In case additional amount is required for making photostat copies the petitioners shall pay the said amount.

(ii) The petitioners' is a partnership concern and Shri Taleyarkhan states that there are two partners. Both the petitioners shall give an undertaking to this Court that they will return back the original documents obtained from the respondents within a period of three months from the date of receipt thereof. Both the partners will also give an undertaking that they will not tamper with any of the original documents, nor they will make any alterations or additions in the said documents. The affidavits giving undertaking to be filed within one week.

(iii) Shri Taleyarkhan states that the petitioners have received the notice or summons issued by the respondents for production of additional documents and they would comply with the same.

(iv) Before the original documents are returned to the petitioners it should be initialled by the officers of the respondents and the partner of the petitioners jointly.

3. In view of these directions, the petition is not required to be entertained and the petition is accordingly disposed of.

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