

**Associated Switch Gear Pvt. Ltd. Vs. Cegat**

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**SooperKanoon Citation :** [sooperkanoon.com/485666](http://sooperkanoon.com/485666)

**Court :** Allahabad

**Decided On :** Feb-16-1995

**Reported in :** 1995(78)ELT14(All)

**Judge :** K.L. Sharma, J.

**Appeal No. :** Civil Misc. Application No. 10069 of 1995 in Civil Misc. Writ Petition No. 57 of 1994

**Appellant :** Associated Switch Gear Pvt. Ltd.

**Respondent :** Cegat

**Advocate for Def. :** H.N. Shukla, Standing Counsel

**Advocate for Pet/Ap. :** A.P. Mathur, Adv.

**Judgement :**

**K.L. Sharma, J.**

1. This is an application by the petitioner for clarification of the order dated 10-1-1995 passed by this Court in W.P. No. 57 of 1994 as the learned Tribunal has observed that there is a confusion.

2. I have heard Sri A.P. Mathur, learned counsel for the petitioner and Sri H.N. Shukla learned Standing Counsel for the respondent and perused the record of

the writ petition in which this order finally disposing of the writ petition was passed.

3. On perusal of the judgment and order dated 10-1-1995, I find that there is no confusion, but it is surprising that the President of the learned Tribunal as well as technical member have not been able to appreciate the observation:

'But the same purpose could be achieved by permitting him to furnish a security bond.'

made by this Court with a view to repel the condition of cash deposit of seven lacs. This observation is required to be kept into consideration by the learned Tribunal while reconsidering and deciding afresh the waiver/stay application of the applicant in the appeal pending before the learned Tribunal. There is no conflict or confusion between these observations referred to above and the operative direction given by this Court. It is now expected that the learned Tribunal shall reconsider and decide the waiver/stay application in appeal keeping the aforesaid observation in mind. The application is accordingly disposed of.

4. A certified copy of this order be issued within two days on payment of usual charges.

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