

Ashwani Kumar Jain Vs. Cegat

Ashwani Kumar Jain Vs. Cegat

SooperKanoon Citation : sooperkanoon.com/492505

Court : Allahabad

Decided On : Jul-31-2002

Reported in : 2005(122)LC277(Allahabad)

Judge : S.K. Sen, C.J. and ;Ashok Bhushan, J.

Appeal No. : Civil Misc. Writ Petition No. 2172 of 2002

Appellant : Ashwani Kumar Jain

Respondent : Cegat

Disposition : Appeal dismissed

Judgement :

ORDER

1. Heard Shri Pramod Kumar Jain, Advocate appearing for the petitioners and Shri Anoop Kumar Srivastava, Additional Standing Counsel appearing for the respondents.

2. By this writ petition, the petitioner has challenged the order dated 22-4-2002 passed by Customs, Excise and Gold (Control) Appellate Tribunal by which the application for waiver of pre-deposit has been decided.

3. The Counsel for the petitioners has stated that an amount of penalty imposed by the order dated 29.10.2001 is more than 4.5 crores. Considering the facts and

circumstances of the case, the Tribunal has directed deposit of sum of only Rs. 20,00,000/- from the petitioner No. 1 and Rs. 5,00,000/- from petitioner No. 2. On the deposit of the above mentioned amount, the deposit of the remaining amount of duty and penalty has been waived for hearing of the appeal. We are satisfied that Tribunal has considered the facts and circumstances and has allowed the prayer of waiver of the deposit partly.

4. We do not find any error in the order dated 22.4.2002. No interference is called with the impugned order in the present writ petition.

5. There is no merit in the writ petition and the same is dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com