

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5007 of 1998

For Approval and Signature:

Hon'ble THE ACT.C.J. MR K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DECO- MICA LTD

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioner
MR JAYANT PATEL for Respondent No. 1

CORAM : THE ACT.C.J. MR K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 30/06/98

ORAL JUDGEMENT:(Per K.G. Balakrishnan, Acting C.J.)

Rule. Mr.Jayant Patel, learned standing Counsel,
waives service thereof on behalf of the respondents.

The petitioners have filed an appeal before the

2nd respondent against the order passed by the 3rd respondent. The petitioners have also moved an application for stay of the impugned order. The stay application is not finally disposed of. The petitioners contend that during the pendency of these proceedings, the authorities are taking coercive steps to realise the amount due.

We heard the learned counsel for the petitioners and the learned standing Counsel for the respondents.

A reference was made to the order passed by this Court in Special Civil Applications Nos. 21 of 1997 and 22 of 1997 and also to a decision in D.C.W. Limited v. Commissioner (Appeals) & Ors., reported in 1997(2) GLR 913. In the above decision, this Court directed the respondent-authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the case, we direct respondent No.2 to consider the stay application and pass appropriate orders preferably within six weeks from the date of receipt of a copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The Application is disposed of accordingly. Rule is discharged, subject to above directions.

(apj)