

Customs, Excise and Gold Tribunal - Calcutta

M/S. S.G. Multicast Pvt. Ltd. vs Commr. Of Central Excise, Jsr. on 20 April, 2001

ORDER Smt. Archana Wadhwa

1. The prayer in both the Stay Applications is for dispensing with the condition of predeposit of duty demand of Rs.23,50,000/- and an equivalent amount fo personal penalty. Shri K.P. Chowdhury, Id. Advocate appearing for the applicants submits that though during the relevant period the applicants were working under actual capacity of production fixed by the proper officer and were required to deposit the amount of duty in question but they could not do so because of their financial constraints. However, he submits that while confirming the demand duty, the adjudicating authority has not given abatement on account of closure of factory. According to him, the duty amount which the applicants are liable to deposit would come to arround of Rs.15,00,000/-. He makes an offer to deposit the said duty as predeposit for hearing of their appeals.

2. Shri V.K. Chaturvedi, Id.SDR appearing for the Revenue submits that the applicants should be directed to deposit the entire amount of duty and penalty.

3. After giving our careful consideration and in view of the offer made by the Id. Advocate, we direct the applicants to deposit an amount of Rs.15,00,000/- within a period of eight weeks from today. Subject to deposit of the above amount, the balance amount of duty and penalty shall stand waived and its recovery stayed during the pendency of the appeal before the Tribunal. Matter to come up for ascertaining compliance on 26.06.2001. Subject to ascertaining compliance, the appeal itself would be taken up for hearing on the said date.

Dictated and pronounced in the open Court.