



% 05.07.2011

Present: Mr.P.V.Kapur, Sr.Adv. with Ms.Purti Marwaha, Ms.Jayashree Shukla, Mr.Apoorve Karol and Mr.Chirag Kher, Advocates for the Petitioner.
Mr.Abhishek Maratha, Advocate for R-1.
Mr.Mukesh Anand, Advocate for R-2 to R-4.

CM No.9366/2011

Allowed subject to just exceptions.

+ WP (C) No.4614/2011 and CM No.9365/2011

* We have heard learned counsel for the parties.

Learned senior counsel for the petitioner, on instructions, states that he would like to withdraw the writ petition and the application to pursue the course suggested by the majority view of the AAIFR vide order dated 29.06.2001 for seeking modification of the Scheme by approaching the BIFR.

The only aspect on which learned senior counsel for the petitioner seeks an order from this Court is relating to the manufactured stock of excise paid goods lying at Vadodara or on which excise duty will be paid by the petitioner/Company. These goods have been attached by the respondent/Department towards earlier excise duty dues on account of alleged violations of terms of the Scheme by petitioner/Company. Learned senior counsel for the petitioner submits that it may take some time for the petitioner to approach the BIFR and obtain appropriate orders



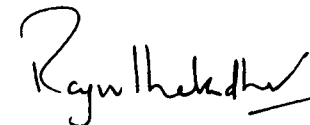
and in the meantime an interim arrangement be made by th
Court for clearance of the manufactured stock of goods on
payment of excise duty on those goods.

We are inclined to accept this limited prayer and make an
interim arrangement for a period of two (2) months making it
clear that such an interim arrangement will not in any way bind
the orders to be passed by the BIFR. The interim arrangement
for these two (2) months qua any manufactured stock of goods of
the petitioner/Company lying at Vadodara would be that such
manufactured stock of goods would be cleared on payment of
excise duty and the proceeds realized therefrom shall be utilized
by the petitioner/Company only for purposes of usual course of
the business of the petitioner/Company.

Dismissed as withdrawn with the aforesaid directions.

Dasti.


SANJAY KISHAN KAUL, J.


RAJIV SHAKDHER, J.

July 05, 2011
dm