

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: WP (C) No. 576 of 2021

M/S Medley Pharmaceuticals Limited ...Petitioner(s)/Appellant(s)

Through: Sh. Gautam Chugh, Advocate

V/s

Deputy Commissioner CGST Jammu and another Respondent(s)

Through: Sh. Jagpaul Singh, Advocate

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MOHAN LAL, JUDGE**

ORDER

01. Heard Sh. Gautam Chugh learned counsel appearing for the petitioner and Sh. Jagpaul Singh learned counsel appearing for the department.
02. The Court while entertaining the writ petition vide interim order dated 24.03.2021 has directed to stay the recovery pursuant to the impugned demand notice dated 10.03.2021 provided the petitioner furnishes surety bond of the Managing Director of the company to the satisfaction of the Deputy Commissioner, Central CGST within a period of two weeks. It is submitted that in pursuance of the above order, surety bond has been submitted and the interest of the department has been adequately protected. However, the bank-respondent No.2 has refused to lift the lien from the FDRs of the petitioner which it had placed to facilitate the recovery of the amount under the impugned notice.

03 The argument is that recovery pursuant to the impugned notice has been stayed and the interest of the department has been adequately protected by furnishing surety bond, therefore, there is no justification to continue with the lien over the FDRs.

04. Issue notice to respondent No. 2 in CM No. 7039 of 2021 for filing response to this application as well as the main petition.

05. Sh. Jagpaul Singh learned counsel prays for and is allowed two weeks' time for filing response to CM No. 7039 of 2021.

06. In the meantime, in furtherance of the interim order dated 24.03.2021, it is further provided that as the interest of the department stands adequately protected by furnishing of the surety bond, the lien, if any, put by the bank on the direction of the department on any FDR of the petitioner shall be lifted/removed, if that has been done for ensuring the recovery of any amount pursuant to the impugned demand notice dated 10.03.2021.

07. List on 01.12.2021.

(MOHAN LAL)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
10.11.2021
Surinder