

2) Clarification on recovery of demands during the pendency of stay application

In view of important changes in law and various conflicting judgments on recovery of confirmed demands during the pendency of stay application filed by the assessee is reviewed by the Board and clarified the following issues –

Where stay application is pending before Commissioner (Appeals) or CESTAT

- For the periods prior to 06.08.2014 - no recovery shall be made in stay cases;
- For subsequent periods i.e., from 06.08.2014 onwards, instructions contained in Circular No. 984/08/2014-CX dated 16.09.2014 shall be applicable.

Where stay application is pending before Hon'ble High Court or Hon'ble Supreme Court

- Where no stay has been granted by the Supreme Court or High Court against the orders of High Court or Tribunal respectively, proceedings can be initiated only after a period of 60 days from the date of order of the High Court or Tribunal.

[Circular No. 1035/23/2016-CX dated 04.07.2016]