

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL
REGIONAL BENCH : ALLAHABAD
COURT No. I**

APPEAL No. E/1722/2009-EX[DB]

(Arising out of Order-in-Appeal No. 73-CE/GZB/2009 dated 23/03/2009 passed by Commissioner of Central Excise, Customs & Service Tax (Appeals), Ghaziabad)

The Commissioner, Central Excise, Ghaziabad **Appellant**

Vs.

M/s Mohan Crystal Glass Works **Respondent**

Appearance:

Shri Gyanendra Kumar Tripathi (AC) AR	for Appellant
Shri Rajesh Chhibber (Advocate)	for Respondent

CORAM:

Hon'ble Mrs. Archana Wadhwa, Member (Judicial)
Hon'ble Mr. Anil G. Shakkarwar, Member (Technical)

Date of Hearing	:	04/07/2018
Date of Decision	:	04/07/2018

FINAL ORDER NO **71347 / 2018**

Per: Anil G. Shakkarwar

The present appeal is filed by Revenue challenging the impugned Order-in-Appeal wherein the learned Commissioner (Appeals) have ordered for provisional assessment in respect of goods manufactured by the respondent for the year 2008-09.

2. Heard both the sides and perused the record. On perusal of record we find that there was no Stay for operation

of the impugned order. In view of non-availability any Stay Order the impugned order must have been implemented and, therefore, nothing survives in the present appeal. We, therefore, dismiss the appeal filed by Revenue as infructuous.

(Dictated and pronounced in Court)

Sd/-
(Archana Wadhwa)
Member (Judicial)

Sd/-
(Anil G. Shakkarwar)
Member (Technical)

Ankit