IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
REGIONAL BENCH : ALLAHABAD
COURT No. I
STAY Application No. ST/Stay/70228/2018 in
APPEAL No. ST/70599/2018-CU[DB]

(Arising out of Order-in-Appeal No. 336-341-ST/APPL/LKO/2016 dated 30/11/2017 passed by Commissioner, GST, Central Excise & Customs (Appeals), Lucknow)

Commissioner, CGST & Central Excise Commissionerate, Agra

Appellant

Vs.

M/s Krishi Utpadan Mandi Samiti **Respondent**

Appearance:

Shri Pawan Kumar Singh (Supdt) AR for Appellant
Shri Dharmendra Srivastava (CA) for Respondent

CORAM:

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

Date of Hearing : 24/08/2018
Date of Decision : 24/08/2018

FINAL ORDER NO **72042 / 2018**

Per: Archana Wadhwa

Revenue is in appeal against the order dated 30.11.2017 of Commissioner (Appeals), Lucknow.

2. We are informed about the Instructions dated 11.07.2018 issued by the C.B.E. & C. in exercise of the powers conferred by Section 35R of the Central Excise Act, 1944 fixing monetary limits below which appeal shall not be filed in the Tribunal. The monetary limit has been enhanced to Rs. 20

lakhs through the said Instructions. Further, the said instructions clarified that the said instructions will apply to all pending cases.

3. We also find that the Hon'ble High Courts of Madras, Karnataka and Gujarat have held that the litigation policy containing monetary limit for filing appeals will apply to pending appeals also. [2015 (40) S.T.R. 656 (Mad.); 2014 (306) E.L.T. 153 (Guj.); 2011 (268) E.L.T. 344 (Kar.) = 2012 (26) S.T.R. 79 (Kar.)].

4. It is further informed by the ld. AR that vide subsequent instructions issued vide F. No.390/Misc./116/2017-JC dated 04/04/2018, the earlier exclusion category not covered by the litigation policy has also now been included, by removing Sub-clause 'C' of earlier instructions.

5. Considering the above instruction, We dismiss the appeal filed by the Revenue under litigation policy for the respondent. Stay petition also gets disposed of.

(Dictated and pronounced in Court)

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

Sd/-
(Archana Wadhwa)
Member (Judicial)

Ankit