

REGISTERED / AD

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
OLD RED BUILDING, 38, M.G. Marg, CIVIL LINES, ALLAHABAD**

Dated: 07/10/2015

To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. A/ 70002 /2015- dated 14/09/2015

I am directed to transmit herewith a certified copy of order passed by the Tribunal under section 35-C(1) of the Central Excise and Salt Act, 1944.

b
Asstt. Registrar

Application	Appeal	Name and Address of Appellant
ST/727/2009		COMMISSIONER OF CENTRAL EXCISE, ALLAHABAD, 38, M.G. MARG, CIVIL LINES, ALLAHABAD.

Name and Address of Respondent	BRODISH CACKSEY C-864, G.T.B. NAGAR, KARELI, ALLAHABAD.
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Other Appellants and Respondents as per Annexure

Copy To

3 Advocate(s) / Consultant(s): *Sh. S.P. Ojha Constt c/o Respondent*

- 4 Bar Association, CESTAT, Delhi
- 5 Director Publications, Customs, Excise, I.P. Estate, Delhi
- 6 M/s Centas Publications Pvt. Ltd., 1512-B, Bishan Prasad Marg, New Delhi-5
- 7 Company Law Institute of India Pvt. Ltd., No.2 (old no.36), Vaidyanathan Street, T. Nagar, Chennai-17
- 8 Taxman Allied Service Pvt. Ltd., 59/32, New Rohan Road, New Delhi-110005
- 9 Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Ison Mall, Satellite Road, Ahmedabad-15
- 10 LAWCIUX Advisors Pvt. Ltd., LAW House, 1-8, Sector-10, Faridabad 121003 (Haryana)
- 11 TaxIndiaOnline.com Pvt. Ltd., 2nd Floor, Vasant Arcade, Vasant Kunj, New Delhi - 110070
- 12 Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Hyderabad - 38
- 13 The ICFAS society, 52, Nagarjuna Hill, Punjagutta Hyderabad-500082
- 14 C.D.R. 15 Office Copy 16 Guard File

b
Asstt. Registrar
Regional Bench, Allahabad

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL
CIRCUIT BENCH AT ALLAHABAD**

APPEAL NO: ST/727/2009

[Arising out of Order-in-Appeal No: 34-ST/ALLD/2009 dated
29/05/2009 passed by the Commissioner of Customs, Central Excise
& Service Tax (Appeals), Allahabad.]

For approval and signature:

**Hon'ble Shri P. S. Pruthi, Member (Technical)
Hon'ble Shri S.S. Garg, Member (Judicial)**

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1. Whether Press Reporters may be allowed to see the
Order for publication as per Rule 27 of the : No
CESTAT (Procedure) Rules, 1982?
 2. Whether it should be released under Rule 27 of
CESTAT (Procedure) Rules, 1982 for publication : No
in any authoritative report or not?
 3. Whether Their Lordships wish to see the fair copy
of the Order? : Seen
 4. Whether Order is to be circulated to the
Departmental authorities? : Yes
-

Commissioner of Central Excise
Allahabad

...Appellant

versus

Brijesh Chauksey

...Respondent

(Signature)

Appearance:

Shri Bharat B Sharma, Asstt. Commissioner (AR) for the appellant

Shri S.P. Ojha, Consultant for the respondent

CORAM:

Hon'ble Shri P. S. Pruthi, Member (Technical)
Hon'ble Shri S.S. Garg, Member (Judicial)

Date of hearing:

14/09/2015

Date of decision:

14/09/2015

Final ORDER NO: 70002/2015

Per: P. S. Pruthi:



This appeal is filed by the Revenue. The amount involved is less than ₹ 5,00,000/-.

2. Keeping in view the fact that the amount involved is less than ₹ 5,00,000/- and as per the litigation policy of the Government vide Board's letter F.No. 390/Misc./163/2010-JC dated 17/08/2011 read with Hon'ble Gujarat High Court's judgments in the case of *Commissioner of Central Excise, Surat-1 vs. Shreenath Fabrics* reported in 2014 (303) ELT 540 (Guj.) and in the case of *Commissioner of Central Excise, Vadodara-1 vs. Pharmanza Herbal*

(Signature)

ST/727/2009

Pvt. Ltd. reported in 2014 (306) ELT 153 (Guj.) and the judgment of the Hon'ble Karnataka High Court in the case of *Commissioner of Central Excise, Bangalore-II vs. Presscom Products* reported in 2011 (268) ELT 344 (Kar.), the appeal of the Revenue is dismissed without going into the merits of the case.

(Pronounced in Court)

(S.S. Gargi)
Member (Judicial)

(P.S. Pruthi)
Member (Technical)

Original with / Certified True Copy

12.10.17
Revenue Officer / Asst. Registrar
Mysore, Karnataka
Order signed / (S.S. Gargi)
32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100