

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
SOUTH ZONAL BENCH
BANGALORE**

Appeal(s) Involved:

ST/20425/2018-SM

[Arising out of Order-in-Appeal No. MLR-EXCUS-000-APP-
033-17-18 dated 17/05/2017 passed by Commissioner of
Central Tax , MYSORE (APPEALS)]

**M/s. Shree Mallikarjuna Earth
Movers**

House No. 2, Near Durga Devi Temple
Devaliwada Post, Nandagadda
KARWAR – 581 301.
KARNATAKA

Appellant(s)

Versus

**Commissioner Of Central Excise &
Central Tax, Mangalore
Commissionerate**

7th Floor, Trade Center, Bunts Hostel Road
Mangalore - 575003
Karnataka

Respondent(s)

Appearance:

**Mr. RENUKAPRASAD C M,
Advocate**

Daaruka Associates

637, 2ND FLOOR, 2ND STAGE
DR. RAJAKUMAR ROAD RAJAJINAGAR
BANGALORE - 560010
KARNATAKA

For the Appellant

**Mrs. Kavitha Podwal,
Superintendent (AR)**

For the Respondent

Date of Hearing: 28/11/2018

Date of Decision: 28/11/2018

CORAM:

HON'BLE MR. S.S GARG, JUDICIAL MEMBER

Final Order No. 21808 / 2018

Per : S.S GARG

Registry has raised the defect that the appellant has
not filed proof of date of communication of Order-in-Original and

Order-in-Appeal. Further, the appellant has also not filed any application seeking condonation of delay as the appeal appears to have been filed after an inordinate delay from the date of the impugned order. None has appeared for the appellant. On the previous occasion also, none has appeared in spite of notice sent to the appellant well in advance. It appears that appellant is not interested in pursuing the case, therefore, the appeal is dismissed for non-prosecution with a liberty to the appellants to file application for restoration of appeal after removing the defects raised by the Registry.

(Operative portion of the Order was pronounced
in Open Court on **28/11/2018**)

S.S GARG
JUDICIAL MEMBER

rv...