

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
BANGALORE**

REGIONAL BENCH - COURT NO. 1

Appeal(s) Involved:

C/562/2009-DB

[Arising out of Order-in-Appeal No. 6/2009 dated
14/08/2009 passed by the Commissioner of Central
Excise, Customs and Service Tax, Cochin]

Kinara Exports Pvt. Ltd.

Vishak Complex, Behind New
Theatre, Thampanoor,
Thivandrum -14

Appellant(s)

VERSUS

**Commissioner of Central Excise,
Customs and Service Tax,
Trivandrum**

T.C. No. 26/334 (1&2),
I.C.E Bhavan, Press Club Road,
Trivandrum – 695 001
Kerala

Respondent(s)

Appearance:

Mr. Md. Ibrahim, Advocate
World Trade Centre No.404-406,
4th Floor, South Wing Brigade
Gateway Campus No.26/1,
Dr. Rajkumar Road,
Bangalore - 560 055
Karnataka

For the Appellant

Mr. Madhup Sharan, Asst. Commr.
(AR)

For the Respondent

CORAM:

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

HON'BLE MR. P. ANJANI KUMAR, TECHNICAL MEMBER

Final Order No. 20767 / 2019

Date of Hearing: 20/09/2019

Date of Decision: 20/09/2019

Per: P. ANJANI KUMAR

Learned counsel submits that during the pendency of this appeal Order-in-remand was passed by the Assistant Commissioner and the Appellate Commissioner has also confirmed it wherein the refund was rejected on the ground of unjust enrichment. On that Order-in-Appeal, Appeal No. C/20357/2017 is pending before this Tribunal. Therefore, no purpose will be served in pursuing the present appeal. Hence he seeks to withdraw the appeal. Revenue has no objection for the same. In the result, the appeal is dismissed as withdrawn.

(Order was pronounced and dictated
in Open Court on **20/09/2019**)

(S.S GARG)
JUDICIAL MEMBER

(P. ANJANI KUMAR)
TECHNICAL MEMBER

iss...