

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI**

PRINCIPAL BENCH - COURT NO. 1

APPEAL DY. NO. 52135 OF 2019

(Arising out of Order-in-Appeal No. 161-164(SM)ST/JPR/2019 dated 09 May, 2019 passed by the Commissioner (Appeals), Central Excise & Goods & Service Tax, Jaipur)

Ashutosh Bajoria
SP-156, RIICO Industrial Area
Ajitgarh, Sikar
Rajasthan

..... **Appellant**

VERSUS

**Commissioner of Central Excise
Goods & Service Tax**
NCR Building, Statue Circle
Jaipur

..... **Respondent**

APPEARANCE:

NONE for the Appellant
Shri R.K. Mishra, Authorised Representative of the Respondent

**CORAM : HON'BLE MR. JUSTICE DILIP GUPTA, PRESIDENT
HON'BLE MR. BIJAY KUMAR, MEMBER (TECHNICAL)**

MISC. ORDER NO. 108/2019

DATE OF HEARING/DECISION : 07.11.2019

JUSTICE DILIP GUPTA :

The Appeal was filed in the Registry on 13 August, 2019. A communication dated 16 August, 2019 was sent by the Registry of the Tribunal by Speed Post to the Appellant as well as its Chartered Accountant requiring the Appellant to furnish proof of mandatory pre-deposit of Rs. 2,500/-. The track consignment report of the Postal Department indicates that the envelop was served upon the Appellant on 24 August, 2019 and upon the Chartered Accountant on 23 August, 2019.

2. When the matter was taken up by the Tribunal on 16 September, 2019, the following orders were passed :

"A communication dated 16 August, 2019 was sent by the Registry of the Tribunal by Speed Post to the Appellant as well as its Chartered Accountant requiring the Appellant to furnish proof of mandatory pre-deposit of Rs. 2,500/-. The track consignment report indicates that the letter was served upon the Appellant on 24 August, 2019 and to the Chartered Accountant on 23 August, 2019.

2. Today, when the matter was called out neither the Appellant nor its Chartered Accountant have appeared. In the interest of justice, we **adjourn the matter to 07 November, 2019** by which date the defect should be removed."

3. Today, when the matter has been called out neither the learned Chartered Accountant for the Appellant has appeared nor there is anything on the record to indicate that defect has been removed.

4. It, therefore, transpires that the Appellant is no longer interested in pursuing the appeal. The appeal is, accordingly, dismissed.

(Dictated & pronounced in open court)

**(JUSTICE DILIP GUPTA)
PRESIDENT**

**(BIJAY KUMAR)
MEMBER (TECHNICAL)**