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FAX : 011-208426

REGISTERED / AD

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, WEST BLOCK NO.2, R.K.PURAM, NEW DELHI-110066
CUSTOMS APPEAL BRANCH**

Dated: 15/09/2016

To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. AD/A/53416/2016-CU[DB] dated 05/09/2016

I am directed to transmit herewith a certified copy of order passed by the Tribunal under section 9C of the Customs Tariff Act, 1975.


Deputy/Asstt. Registrar (CUSTOMS Appeal Branch)

Application	Appeal	Name and Address of Appellant
¹ AD/Stay/51598/2015	AD/52518/2015	Bayer South East Asia P T E Ltd 63, Chulia Street, Ocbc Centre East 14th Floor SINGAPORE-049514

**Name and Address of
Respondent**

2

Designated Authority-Designated Authority
Directorate General Of Anti-dumping And
Allied Duties
1. Department Of commerce, Jeevan Tara
Building, 4Th Floor, 5, Parliament Street
NEW DELHI 110001, 2. UNION OF
INDIA MINISTRY OF FINANCE
SECRETARY - REVENUE
GOVERNMENT OF INDIA NORTH
BLOCK, NEW DELHI.

Copy To

3 Advocate(s) / Consultant(s):

**LAKSHMIKUMARAN &
SRIDHARAN, ATTORNEYS
5 LINK ROAD JANGPURA
EXTENSION NEW DELHI
110014**

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4 Additional Party's Name & Address :

**MANALI
PETROCHEMICALS LTD
PONNERI HIGH ROAD
MANALI, CHENNAI-600068**

**SHELL EASTERN
PETROLEUM PTE LTD
THE METROPOLIS TOWER
19 NORTH BUONA VISTA
DRIVE SINGAPORE 138588**

**SHELL EASTERN
TRADING PTE LTD
THE METROPOLIS TOWER
19 NORTH BUONA VISTA
DRIVE SINGAPORE 138588**

**SHEELA FOAM PVT LTD
PLOT NO-51A UDYOG
NAGAR, GREATER NOIDA-
201301, U.P. INDIA**

5 Bar Association, CESTAT, Delhi

6 Director Publications, Customs, Excise. I.P. Estate, Delhi

7 M/s Centax Publications Pvt. Ltd., 1512-B, Bhishm Pitamah Marg, Opp. ICICI Bank of Defence colony New Delhi-3

8 Company Law Institute of India Pvt. Ltd., No.2 (old no.36), Vaithyaram Street, T. Nagar, Chennai-17

9 Taxmann Allied Service Pvt. Ltd., 59/32, New Rohtak Road, New Delhi-110005

10 Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Iscon Mall, Satellite Road, Ahmedabad-15

11 LAWCRUX Advisors Pvt. Ltd., LAW House, 1-8, Sector-10, Faridabad 121003 (Haryana)

12 TaxIndiaOnline.com Pvt. Ltd., B-XI/8183, Vasant Kunj, New Delhi - 110070

13 Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Hyderabad – 38

14 The ICFAI society , 52, Nagarjuna Hill, Punjagutta Hyderabad.-500082

15 MS Knowlegde Processing Pvt. Ltd.(Taxmanagementindia.com),FF-19, 1st Floor,Cross River Mall,CBD Ground,Near Karkardooma Court,Delhi-110032

16 C.D.R. 17 Office Copy 18 Guard File



Deputy/Asstt. Registrar(CUSTOMS Appeal Branch)

IN THE CUSPTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL,
NEW DELHI, PRINCIPAL BENCH NEW DELHI

Date of Hearing/Decision:05.09.2016

AD/Stay/51598/2015 in
Appeal No.AD/52518/2015

(Arising out of Final Finding No.14/1/2013-DGAD dated 11.01.2015 issued vide Customs Notification No.09/2015 Cus (ADD) dated 7.4.2015 issued by the Designated Authority, Directorate General of Anti-Dumping and Allied Duties, Deptt. Of Commerce & Industry.)

Bayer (South East Asia) Pvt. Ltd.

Appellants

Vs.

UOI/DA

Respondent

Appearance:

For Appellant: Shri Sheetharaman, Advocate
Shri Dhruv Gupta, Advocate

For Respondent: Shri Amit Singh, Advocate for DA.
Shri Govind Dixit, DR for Revenue

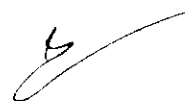
For Interested Party: Shri Sharad Bhansali, Advocate
Shri Jitendra Singh, Advocate

Coram: Hon'ble Mr. Justice (Dr.) Satish Chandra, President
Hon'ble Shri S.K. Mohanty, Member (Judicial)
Hon'ble Mr. B. Ravichandran, Member (Technical)

Final Order No...53416/2016

Per Justice Dr.Satish Chandra:

Shri Sheetharaman, Id. Counsel for the appellants submits that the impugned notification issued by the Designated Authority has been challenged in the Hon'ble High Court of Delhi on various grounds including the principles of natural justice, where the matter is still subjudice in W.P. No.3726/2015 and C.M No.6651/2015.

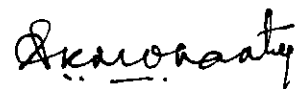


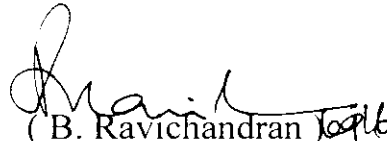
2. Shri Govind Dixit, Id. AR for the Revenue submits that on 27.03.2015, the Hon'ble High Court observed that "any action taken by the respondent would be subject to final orders passed in this writ petition". Thereafter, the impugned customs notification was issued.

2. In view of the above, the liberty is granted to the appellant to come again after having final verdict from the Hon'ble High Court, if need be, within the prescribed time. With the aforesaid liberty, the appeal is disposed of .

[Order dictated & pronounced in open court]


(Justice Dr. Satish Chandra)
President


(S.K. Mohanty)
Member (Judicial)


(B. Ravichandran)
Member (Technical)

Ckp.