

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

Dated: 29/08/2016

To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. AD/A/53084/2016-CU[DB] dated 18/08/2016

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/2500/2012	AD/1853/2012	Ashok Leyland Limited No1, Sardar Patel Road, Guindy, Chennai-600032

**Name and Address of
Respondent**

2

-DESIGNATED AUTHORITY
DIRECTORATE GENERAL OF
ANTI-DUMPING AND ALLIED
DUTIES,
1. MINISTRY OF COMMERCE AND
INDUSTRIES. GOVERNMENT OF
INDIA UDYOG BHAWAN, 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):

1 **V. Lakshmi Kumaran**
5, Jangpura Extension,
Link Road,
New Delhi-110014

2. **Rajesh Sharma . (Advocate)**
TMR, SOLICITORS & CONSULTANTS .
K-3/A, SAKET, New DELHI .

4 Additional Party's Name & Address :

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

 29/08/16
Deputy/Asstt. Registrar(CUSTOMS Appeal Branch)

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No.2, R. K. Puram, New Delhi, Court No. 1

Date of hearing/ decision: 18.08.2016

For Approval and Signature:

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

1	Whether Press Reporter may be allowed to see the Order for publication as per Rule 26 of the CESTAT (Procedure) Rules, 1982?	No
2	Whether it should be released under Rule 26 of CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	No
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

**Anti Dumping Appeal No. 1853 of 2012 with
Anti Dumping Stay No. 2500 of 2012**

(Arising out of Final Finding No. 14/19/2008 dated 10.04.2012 and 05.03.2012 issued vide Customs Notification No. 50/2010 dated 12.04.2010 issued by the Ministry of Finance, Department of Revenue).

M/s Ashok Leyland Limited

Appellant

Vs.

Designated Authority, DGAD, MoF.

Respondent

Appearance:

Sh. Darpan Bhuyan, Sh. Dhruv Gupta, Advocates for the Appellants
Sh. Amit Singh, Advocate for the D.A.
Sh. R. K. Manjhi, AR for the Revenue

Sh. Rajesh Sharma & Ms. Rita Jha, Advocates for Domestic Industry



Coram:

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

Final Order No. 53084/2016

Per: **Justice (Dr.) Satish Chandra:**

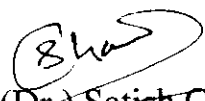
Sh. Darpan Bhuyan, Id. Counsel for the appellant submits that on 11.08.2011, the Hon'ble Tribunal has remanded the matter back to the Designated Authority with direction that the process shall be completed within six months. He submits that the Designated Authority has not followed the direction and passed the order beyond this time limit. Further, on a specific query, he submits that against this order the SLP was filed before the Hon'ble Supreme Court which is still pending. Without addressing on merit, he took the plea on technical ground that the subsequent order passed by the Designated Authority, on remand, is bad in eye of law, and made a request on the ground that it was not passed within a period of six months. On the other hand, Sh. Amit Singh, Id. Counsel for the Designated Authority submits that an adjournment application was moved for extension of time but he was unable to prove the same by any documentary evidence.

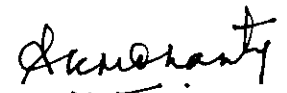
2. Sh. R. K. Manjhi, Id. AR submits that the lower Designated Authority has passed the order in pursuance of the order passed by the Tribunal.

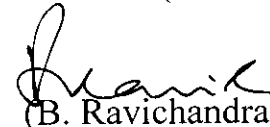


3. We have heard all the parties and gone through the records. The Tribunal has remanded the matter back to the Designated Authority for decision within 6 months, who passed the order after six months. We find that this is not the ground for setting aside the order of the Designated Authority. If appellant was aggrieved, there was alternative remedy available to him specially when the matter was remanded. No arguments advanced on merit. We are not in agreement with the Id. Counsel for the appellant. The appeal has no merit, the same is dismissed. Stay application also gets disposed of accordingly.

(Dictated and pronounced in open Court).


(Justice (Dr.) Satish Chandra)
President


(S. K. Mohanty)
Member (Judicial)


(B. Ravichandran) 18816
Member (Technical)

Pant