

FAX : 011-26108426

REGISTERED / AD

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

Dated: 04/12/2015

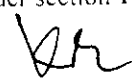
To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. C/A/53558/2015-CU[DB] dated 18/11/2015

I am directed to transmit herewith a certified copy of order passed by the Tribunal under section 129-A(4) of the Customs Act, 1962.


Asstt. Registrar(CUSTOMS Appeal Branch)

Application	Appeal	Name and Address of Appellant
1 C/Stay/2875/2010, C/524/2010 C/MISC/786/2010		SHIVA LOGISTICS PVT LTD Flat No 303, 18/20 WEA Karol Bagh, N Delhi.
		Name and Address of Respondent
2		-C.C. NEW DELHI (IMPORT & GENERAL) New Custom House, Near I.G.I. Airport, New Delhi 110037.

3 Advocate(s) / Consultant(s):

Anuj Kumar Garg & Co.
(Advocates)
C-167, C.L. JOSEPH BLOCK,
TEES HAZARI,
DELHI-110054

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, 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., 2nd Floor, Vasant Arcade, 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 C.D.R. 16 Office Copy 17 Guard File


Asstt. Registrar(CUSTOMS Appeal Branch)

**IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi - 110 066.**

Date of Hearing/Order : 18.11.2015

Appeal No. C/524/2010-CU(DB)

(Arising out of Order-in-Original No. 12/Policy/VKG/2010 dated 16.7.2010 passed by the Commissioner of Customs (Import & General), New Delhi)

For Approval & Signature :

Hon'ble Mr. R.K. Singh, Member (Technical)

Hon'ble Ms. Sulekha Beevi, C.S., Member (Judicial)

1.	Whether Press Reporter may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	
2.	Whether it would be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	
3.	Whether their Lordships wish to see the fair copy of the order?	
4.	Whether order is to be circulated to the Department Authorities?	

M/s Shiva Logistics Pvt. Ltd.

Appellant

Vs.

CC, New Delhi

Respondent

Appearance:

None - for the Appellant

Shri R. Gupta, A.R. - for the Respondent

Coram : **Hon'ble Mr. R.K. Singh, Member (Technical)**
Hon'ble Ms. Sulekha Beevi, C.S., Member (Judicial)

F. Order No. 53558/2015

Per R.K. Singh :

Appeal is filed by CHA-appellant against order dated 16.7.2010 in terms of which the CHA license was suspended by the Commissioner.

2. When the case is called today, there is no representation. We also notice that CESTAT vide Stay Order No. C/15/2011 dated 10.1.2011 passed the following order:

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"The present stay application stands filed by the applicant against the order of Commissioner of Customs vide which he has suspended the applicant's CHA license with immediate effect.

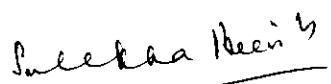
2. Learned Advocate for the applicant fairly agreed that the order was passed by the Commissioner of Customs without granting them any personal hearing. Subsequently, a hearing was granted and another order confirming suspension was passed. As such, present impugned order of Commissioner virtually stands confirmed by the second order passed by him in accordance with the principles of natural justice. As such, the staying the operation of the present order does no arise as the same would not result in any benefit to the appellant.

3. We are informed by the learned Advocate that the second order already stands appealed along with filing of the stay petition. We are also informed by the learned Advocate that early hearing application stands filed in respect of the second appeal which the registry would list it in due course. The stay petition in that case would be heard in the normal course. As such the present stay petition has become infructuous. We order accordingly."

2. In view of the observations in the above-quoted para 3 of CESTAT order dated 10.1.2011 the present appeal has become infructuous and therefore and also having regard to the fact that there is no representation on behalf of the appellant, the appeal is dismissed.



(R.K. Singh)
Member (Technical)


(Sulekha Beevi, C.S.)
Member (Judicial)

RM