

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

Dated: 05/05/2014

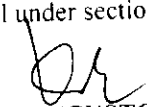
To

Appellant as per address in table below

Respondent as per address in table below

Final Order No. C/A/51879/2014-CU[DB] dated 28/04/2014

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/60858/2013	C/60051/2013	SURYA PHARMACEUTICALS LTD SCO-164-165 MADHYA MARG SECTOR-9-C CHANDIGARH PUNJAB

Name and Address of
Respondent

2	C/60051/2013	COMMISSIONER OF CUSTOMS-New Delhi New Customs House, Near I.G.I. Airport, New Delhi,
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Other Appellants and Respondents as per Annexure

Copy To

3 Advocate(s) / Consultant(s):

**Pawan Kumar Pahwa
H.NO. 908, SECTOR-12A,
PANCHKULA, HARYANA
134109**

4 Bar Association. CESTAT, Delhi

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

6 M/s Centax Publications Pvt. Ltd., 1512-B, Bhishm Pitamah Marg, New Delhi-3

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

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

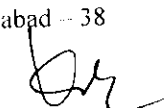
9 Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Iscon Mall, Satellite Road, Ahmedabad-15

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

11 TaxIndiaOnline.com Pvt. Ltd., 2nd Floor, Vasant Arcade, Vasant Kunj, New Delhi - 110070

12 Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Hyderabad - 38

13 C.D.R. 14 Office Copy 15 Guard File


Asstt. Registrar(CUSTOMS Appeal Branch)

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST BLOCK NO.II, R.K. PURAM, NEW DELHI-110066.
COURT - II

Application No.C/STAY/60858/2013-CU[DB]

Appeal No.C/60051/2013-CU[DB]

[Arising out of Order-in-Original No.RT/ACE/35/2013, dated 10.07.2013 passed by C.C., New Delhi]

M/s. Surya Pharmaceuticals : ...Appellant
Ltd.

Vs.

C.C., New Delhi : ... Respondent

Present for the Appellant : **Shri Pawan Kumar, Advocate**

Present for the Respondent : **Shri Sanjay Jain, DR**

Coram: Hon'ble Mr.D.N.Panda, Judicial Member
Hon'ble Mr.Manmohan Singh, Technical Member

Date of Hearing : 28.04.2014

FINAL ORDER NO. 51879/2014, DATED: 28.04.2014

PER: D.N.PANDA

Ld. Counsel for the appellant says that in respect of four advance licences, export obligation has been fulfilled and necessary applications have been made to DGFT for issuance of certificate to that effect. Once such certificate is issued that shall reduce the litigation.

2. Taking above averment into consideration, the stay application is allowed and appeal is remanded to Id. adjudicating authority to examine the EOD Certificate, if any, to be produced by appellant by 31.12.2014. Considering such certificate and hearing the appellant afresh, Id. Adjudicating Authority shall pass appropriate order.



3. It is made clear that except above technical ground, we have not gone into the merits of the case. Therefore, all points on facts and law are open for argument before Id. adjudicating authority.

4. It may be stated that the delay if any caused to produce the EOD certificate may not be viewed adversely in view of the difficulties stated by appellant to be beyond its control.

5. In the result, both the stay petition and appeal are disposed. We are of the view that the hardship expressed by the appellant as above may be mitigated if a copy of this order is forwarded to Id. DGFT for expeditious disposal of the matter, if any, pending before him.


(MANMOHAN SINGH)
TECHNICAL MEMBER


(D.N.PANDA)
JUDICIAL MEMBER

SSK