

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

**PRINCIPAL BENCH COURT NO.IV**

**EXCISE RESTORATION OF APPEAL APPLICATION No.50034/2021 in  
EXCISE APPEAL NO.54286/2015**

[Arising out of Order-in-Original No. JOD-EXCUS-000-COM-0019-15-16 dated 20.08.2015 passed by the Principal Commissioner, Central Excise, Jodhpur, NCR Building, Statute Circle, C Scheme, Jaipur ]

**BINANI CEMENT LTD**

**APPELLANT**

Vs.

**COMMISSIONER,  
CENTRAL EXCISE, JODHPUR**

**RESPONDENT**

**APPEARANCE:**

Shri Arnab Roy, Advocate for the Appellant  
Shri Sanjay Kumar Singh, Authorised Representative for the Respondent

**CORAM:**

**HON'BLE SHRI P V SUBBA RAO, MEMBER (TECHNICAL)  
HON'BLE MRS RACHNA GUPTA, MEMBER (JUDICIAL)**

**DATE OF HEARING: July 20, 2022  
DATE OF DECISION: July 20, 2022**

**MISCELLANEOUS ORDER NO. 50392 /2022**

**PER P V SUBBA RAO**

In Final order dated 02.11.2017 passed by this Tribunal the appeal was disposed granting liberty to the applicant to come again after completion of pending proceedings before the National Company Law Appellate Tribunal. The matter has now been disposed by NCLAT and as per para 6.5.2.13, the corporate debtor has been given the right to file the application before the Adjudicating Authorities to pursue the litigation initiated by the Appellant. Accordingly, the appellant seeks restoration of this appeal to its original number.

2. Learned Authorised representative has no objection to restoration of this appeal.

3. Accordingly, the appeal is restored to its own number. Registry to list the appeal for hearing on **September 20, 2022**.

( Dictated and pronounced in the open court )

**( P V SUBBA RAO )  
MEMBER ( TECHNICAL )**

**( RACHNA GUPTA )  
MEMBER ( JUDICIAL )**

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