CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
<u>NEW DELHI</u>

PRINCIPAL BENCH - COURT NO. III

Custom Appeal No. 50056 of 2022 (SM)

(Arising out of Order-in-Appeal No. 69/MK/REVOCATION/POLICY/2020 dated 03.09.2020 passed by the Commissioner of Customs (Airport & General) New Delhi.)

M/s Shri Ram Cargo Movers **Appellant**
271, Dhakka Village,, Mukherjee Nagar,
New Delhi- 110009

VERSUS

Commissioner, Customs (Airport & General)- New Delhi **Respondent**
New Custom House, Near IGI
Airport, New Delhi
110037

<u>APPEARANCE:</u>

None for the Appellant
Mr. Mahesh Bhardwaj, Authorised Representative for the Respondent

CORAM:

HON'BLE MR. AJAY SHARMA, MEMBER (JUDICIAL)

FINAL ORDER: 50844/2022

Date of Hearing: 09/09/2022
Date of Decision: 09/09/2022

AJAY SHARMA:

None for the appellant. Learned Authorised Representative appearing on behalf of the Revenue submits that on earlier occasions also, no one appeared on behalf of the appellant despite various opportunities given. With the assistance of learned Authorised

Representative, I have gone through the case record, and it revealed that on the last three occasions, no one appeared on behalf of the appellant. The last order dated 28/07/2022 was very specific and it recorded as under:

> "Learned Counsel for the appellant has withdrawn vakalatnama and has given the intimation that he has issued 'NOC' to the appellant. By previous order dated 13.04.2022, the Bench directed that a fresh notice be issued by speed post but which has been undelivered with the postal remark 'left without instruction'.
>
> 2. In the circumstances, Registry is directed to send notice by e-mail on the proper e-mail address of the appellant given on page 1 of the appeal memo. It is seen that the earlier notice was sent on the wrong e-mail address. The concerned In charge is directed to check whether the notice is sent in proper e-mail address or not and also file the confirmation of service of e-mail. If the appellant fails to appear on the next date of hearing, the appeal shall be heard exparte or dismissed for default".

2. As per the registry note dated 10/08/2022, the notice about today's hearing was sent on 10/08/2022 to the appellant by mail and the same has been delivered also, but despite that no one appeared today on their behalf. It appears that the appellant is not interested in pursuing this appeal. Therefore, as per Rule 20 of Customs, Excise and Service Tax Appellate Tribunal (Procedure) Rules, 1982, the appeal is dismissed for non prosecution, with liberty to the appellant to apply for recalling the appeal within a reasonable period.

(order dictated and pronounced in the open court)

(Ajay Sharma)
Member(Judicial)

sb