

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

Appeal No. E/2434/2007 in E/S/2076/07 in E/COD/280/07

Date 26/12/2007

Assistant Registrar
C.E.S.T.A.T. New Delhi

To :
M/S DERBY TEXTILES LTD.

INDUSTRIAL AREA, BASNI, PHASE-II, JODHPUR
(RAJ)

M/S DERBY TEXTILES LTD.


Appellant

C.C.E. JAIPUR II

MISC ORDER NO. 1029/07
STAY ORDER NO. 1172/07

Vs
Respondent

I am directed to transmit herewith a certified copy of Final order No. 589/07 Excise dated
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(Excise Appeal Branch)

Copy to :

1. Respondent

C.C.E. JAIPUR II

N.C.R. BUILDING, STATUE CIRCLE, "C" SCHEME,
JAIPUR 302005.

2. Adv. / Consult

MR. K.K. ANAND

A-5, BASEMENT, LAJPAT NAGAR-III NEW DELHI-24

3. S.D.R.

~~4. J.C.D.R.~~

5. Bar association, CESTAT, New Delhi

6. M/s. Deeparchi Publications, M-93, marg. 43, saket, New

7. M/s Centax Publications (P) Ltd., 1512-E, Bhishm Pitamah

8. Excise & Customs cases, B-37, Sector -1, NOIDA - 201301

9. R. Venkatraman Constt. 44-B, S.Suncity, Ghaziabad -

10. Nidheshak publications, I.P. Estate, new Delhi


11. Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh,

12. Co. Law Institution

13. TAX INDIA, B-XI/8183, Vasant Kunj, New Delhi - 110070

14. Office Copy

15. Guard file


Assistant Registrar
(Excise Appeal Branch)

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI
BENCH – Excise

E/COD/280/07 with E/S/2076/07 in E/2434/07

M/s. Derby Textiles Ltd.

Appellant
(Rep. by Shri Hemant Bajaj, Adv.)

vs

CCE, Jaipur

Respondent
(Shri A.N.Sharma,DR)

Coram : Hon'ble Mr. S.S.KANG, VICE PRESIDENT
Hon'ble Mr. K.K.AGARWAL, MEMBER TECHNICAL

Date of Decision: 20.12.07

Final Order No. 589/2007EX

STAY ORDER No. 1172/2007EX

MISC ORDER No. 1029/2007EX

Per S.S.Kang:

The applicant filed this application for condoning the delay of one year six months and seven days in filing the appeal. The only ground taken by the appellant is that they approached the Hon'ble High Court and Hon'ble High Court dismissed their petition vide order dt.10.3.07 and thereafter immediately appeal was filed. We find that the Commissioner(Appeals) dismissed their appeal vide order dt.7.9.05 as time barred as there was delay of four years in filing the appeal. The appellant approached the Hon'ble High Court by filing a writ petition on 20.1.06. At the time of filing of writ petition, we find that the period of limitation for filing the appeal in the Tribunal has already been lapsed. In these

circumstances, we find no ground to condone the delay in filing the appeal.

The application is dismissed. Consequently, the appeal is also dismissed.

Order dictated in the open Court.

(S.S.Kang,
Vice President

(K.K.Agarwal)
Member Technical

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