

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

Appeal No. E/807 /2008.911 & 935 /2008 - EX[DB]

Date 10/11/2008

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

To :
M/S DIWAN INDUSTRIES
J-2/8, 2ND FLOOR,
KRISHNA NAGAR,
DELHI-110051.
M/S DIWAN INDUSTRIES

Appellant

Vs

Respondent

C.C.E. DELHI II

EX[DB] dated 04-11-08

I am directed to transmit herewith a certified copy of Final order No.846-848/2008-
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. DELHI II

C.R. BUILDING, I.P. ESTATE, NEW DELHI 110002

2. Adv. / Consult

~~MR. NAVEEN MULLICK~~

1. SH. SEORATMAL JAIN, ADV.,

82, MISSION COMPOUND, SAHARANPUR-247001

~~B-388, MERA BAGH, NEW DELHI-63.~~

2. SH. R.K. TEWARI, B-67, FLATTED FACTORY COM,
OKHLA PHASE-III, N. DELHI-20

3. C.D.R.

~~ICDR~~

5 Bar association, CESTAT, New Delhi

6 M/s. Deeparchi Publications, M-93, Marg. 46, Saket, New Delhi 110017

7 M/s Centax Publications (P) Ltd., 1512-B, Bhishm Pitamah marg. Opp. ICICI Bank of Defence Colony, New - 3

8 Excise & Customs cases, B-37, Sector -1, NOIDA - 201301 Gautam Budh Nagar, (U.P.)

9 Raghuraman's 44-B, Regal Flat, Shipra Suncity, Indirapuram - 201010, Ghaziabad, DT, U.P.

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

11 Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh, New Delhi - 110026

12 Commercial Laws of India Pvt Ltd Post Bag No. 1033, No.70(Old No. 88), Thvagaraya Road, T. Nagar, Chennai

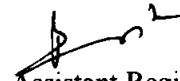
13 Taxindiaonline.com Pvt.Ltd, B-XI/8183, Vasant Kuni, New Delhi - 110070

14 Easy Service Tax Online Dot Com Pvt.Ltd.407A, Iscon Mall, Above Star India Bazar, Satellite Road, Ahmedabad-1

15 Office Copy

16 Guard file

17. SH. ANIL KUMAR GARG,
1606/114, GANESHPURA,
TRINAGAR, DELHI-35


Assistant Registrar
(Excise Appeal Branch)

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL, NEW DELHI, PRINCIPAL BENCH NEW DELHI

Excise Misc. No.551, 560 & 582 of 2008-DB (BR) in
Appeals Nos. E/911, 807 & 935 of 2008

[Arising out of common Order-in-Appeal No.1/07 to 24/07 dated 4.1.2008
passed by the Commissioner of Central Excise (Appeals), Delhi-II]

Date of Hearing/ Decision:4.11.2008

For approval and signature:

Hon'ble Mr. M. Veeraiyan, Member (Technical)

Hon'ble Mr. P.K. Das, Member (Judicial)

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- | | | |
|--|---|-----|
| 1. Whether Press Reporters may be allowed to see
CESTAT (Procedure) Rules, 1982. | : | |
| 2. Whether it should be released under Rule 27 of the
CESTAT (Procedure) Rules, 1982 for publication
in any authoritative report or not? | : | m. |
| 3. Whether Their Lordships wish to see the fair copy
of the Order? | : | |
| 4. Whether Order is to be circulated to the Departmental
authorities? | : | y-m |
-

M/s. Diwan Industries & Ors. ...Appellants
[Rep. by Shri Soorajmal Jain, Advocate]

Vs.

CCE, New Delhi-II ...Respondents
[Rep. by Shri B.S. Suhag, DR]

CORAM: Hon'ble Mr. M. Veeraiyan, Member (Technical)
Hon'ble Mr. P.K. Das, Member (Judicial)

Final Order No. 846-848/08-EP Dated:4.11.2008

Per P.K. Das:

By Stay Order dated 9.6.2008, the Tribunal directed M/s. Diwan
Industries to deposit a sum of Rs.10,00,000/-. It has also been directed

that on compliance of the Stay Order by M/s. Diwan Industries, the ~~pre~~ deposit of balance amount of duties and penalties of M/s. Diwan Industries & M/s. Mahavir Industries ^{and others} would be waived. The Applicants filed applications for modification of the stay order. By order dated 5.9.2008, the Tribunal rejected the said application and extended the period of compliance of another 8 weeks and to report compliance on 4.11.2008.

2. None appears on behalf of M/s. Diwan Industries. The Representative of M/s. Mahavir Industries appears and submits that they had no connection with M/s. Diwan Industries.

3. We find that the Id. Advocate of M/s. Mahavir Industries argued the same point in earlier occasions and considering this fact by Order dated 5.9.2008, the Tribunal rejected their modification application. In any event, we find that M/s. Diwan Industries had not complied the Stay Order of the Tribunal. In view of that, all the appeals are dismissed for non-compliance of the Stay Order under Section 35 F of the Central Excise Act, 1944.

Order dictated & pronounced in open court on 4.11.2008.

(M. Veeraiyan)
Member (Technical)

(P.K. Das)
Member (Judicial)

Ckp.