

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, WEST BLOCK No.2, R.K.PURAM, NEW DELHI - 110066
EXCISE APPEAL BRANCHAppeal No. E/537/2006 - EX[DB]
E/S/ 459/06-EX.

Date 01/05/2009

Assistant Registrar
C.E.S.T.A.T, New DelhiTo :
M/S BHARAT PETROLEUM CORPORATION LTD.
MEERUT DEPOT, RAILWAY ROAD, MEERUT.
M/S BHARAT PETROLEUM CORPORATION LTD.

Appellant

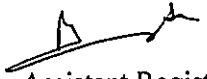
Vs

Respondent

C.C.E. MEERUT I

STAY ORDER NO.383/2009-EX

EX[DB] dated 28-4-09

I am directed to transmit herewith a certified copy of Final order No. 289/2009-
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. MEERUT I

EXCISE CHOWK, UNIVERSITY ROAD, MANGAL PANDEY NAGAR, MEERUT - 250005.

2. Adv. / Consult

SH. RAVI RAGHAVAN, ADV.,
B-6/10, S.J. ENCLAVE,
N. DELHI-29

3 C.D.R

4 J.C.D.R.

5 Bar association. CESTAT, New Delhi

6 Director Publications, Customs, Excise, I.P. Estate, New Delhi

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

8 Commercial Laws of India Pvt Ltd. Post Bag No. 1033, No.2(Old No. 36), Vaithyaram Street, T. Nagar, Chennai -17

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

10 M/s Manupatra Information Solutions Pvt Ltd. Excise & Customs Cases B-37, Sector - 1, Noida - 201301, Gautam Budh Nagar, (UP)

11 M/s. Deeparchie Publications, M-93, Marg. 46, Saket, New Delhi 110017

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

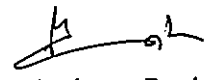
13 Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh, New Delhi - 110026

14 Easy Service Tax Online Dot Com Pvt.Ltd.407A.Iscon Mall.Above Star India Bazar,Satellite Road,Ahmedabad-15

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

16 Office Copy

17 Guard file


Assistant Registrar
(Excise Appeal Branch)~~M/S BHARAT PETROLEUM CORPORATION LTD.~~
~~EXCISE CHOWK, UNIVERSITY ROAD, MANGAL PANDEY~~
~~NAGAR, MEERUT - 250005.~~

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

**Excise/Stay No.E/ST^d /459/06 in
Appeal No.E/537/06**

**Date of Hearing:27.04.2009
Date of decision: 27.04.2009**

M/s.Bharat Petroleum

...Appellant

Vs.

CCE, Meerut

... Respondent

Present for the Appellant

:Shri Ravi Raghavan, Advocate

Present for the Respondent

:Shri S.N.Srivastava, DR

**Coram: Hon'ble Dr.C.Satapathy, Technical Member
Hon'ble Mr.D.N.Panda, Judicial Member**

FINAL ORDER NO. 289 / 09-60 DATED:27.04.2009
STAY ORDER NO. 383 / 09-60
PER: Dr.C.Satapathy

Heard both sides. Shri Ravi Raghavan, Id. Advocate appearing for the appellant states that in the appellant's own case the Bench has allowed the appeal on the same issue taking note of Section 11C (Notification No.25/2006-CE (N.T.) dated 20th November, 2006) and he prays for allowing this appeal for the same ground.

2. The Id. DR Shri S.N.Srivastava, states that the Department has not accepted the order of the Tribunal bearing No.25/09-Ex dated 5.12.2008 and is contemplating filing of appeal against the same.

3. We find that the earlier order of the Tribunal has not been reversed by any higher judicial forum. As such, following the earlier Order dated 5.12.08 cited above, we set aside the impugned Order and allow the Appeal. The stay petition also stands disposed of.

[Dictated and Pronounced in the open Court].

(DR.C.SATAPATHY)
TECHNICAL MEMBER

(D.N.PANDA)
JUDICIAL MEMBER

Anita