

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

Appeal No. E/2650/2008,2665/2008 - EX[DB]
E/M/364/09-EX.

Date 12/05/2009

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

To :
M/S RAM SHIV INDUSTRIES LTD.
366, RANIA INDL. AREA, KANPUR DEHAT.
M/S RAM SHIV INDUSTRIES LTD.

Appellant

Vs
Respondent

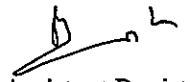
C.C.E. KANPUR

MISC ORDER NO.265/2009-EX

I am directed to transmit herewith a certified copy of Final order No. 295-296/2009-

EX[DB] dated 29-4-09

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. KANPUR

117/7, SARVODAYA NAGAR, KANPUR 208005.

2. Adv. / Consult

MR. AMIT AWASTHI

113/145, SWARUP NAGAR, KANPUR-208002

2. SH. A.K. DIXIT, ADV.,

40 BIPIN GARG, ADV.,

B-1/1289-A, VASANTKUNJ,

N. DELHI-70

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 Kunj, 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

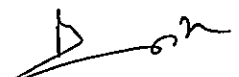
15 LAWCRUX Advisors Pvt Ltd, LAW House.1-8, Sector - 10, Faridabad 121003 (Haryana)

16 Office Copy

17 Guard file

18. HON'BLE PRESIDENT

19. SHRI SURAJ PRAKASH S/O LATE GYANCHAND,
R/O 127/403, "U" BLOCK, NIRALA NAGAR, KANPUR.


Assistant Registrar
(Excise Appeal Branch)

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

Excise Appeal No. 2650 /2008- Ex(BR)

Excise Appeal No. 2665 /2008- Ex(BR)

[Arising out of Order-in-Appeal No. 09/Commr/MP/2008 dated 18.9.2008)
passed by Commissioner of Central Excise, Kanpur]

For approval and signature:

Hon'ble Mr. Justice R.M.S. Khandeparkar, President

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

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- | | | |
|--|---|------|
| 1. Whether Press Reporters may be allowed to see :
the Order for publication as per Rule 27 of the
CESTAT (Procedure) Rules, 1982? | : | Yes |
| 2. Whether it should be released under Rule 27 :
of the CESTAT (Procedure) Rules, 1982 for
publication in any authoritative report or not? | : | No |
| 3. Whether Their Lordships wish to see the fair :
copy of the Order? | : | Seen |
| 4. Whether Order is to be circulated to the :
Departmental authorities? | : | No |
-

Excise Appeal No. 2650 /2008- Ex(BR)

M/s. Ramashiv Industries Ltd.

Appellant

Vs.

Commissioner of Central Excise
Kanpur

Respondent

Excise Appeal No. 2665 /2008- Ex(BR)

Shri Suraj Prakash.

Appellant

Vs.

Commissioner of Central Excise
Kanpur

Respondent

Appearance:

Mr. A.K. Dixit, Advocate & Mr. Suraj Prakash for the Appellant
Mr. Virender Choudhary, SDR for the Respondent

CORAM:

Hon'ble Mr. Justice R.M.S. Khandeparkar, President
Hon'ble Mr. M. Veeraiyan, Member (Technical)

Date of Hearing/decision : 29.4.2009

FINAL ORAL ORDER NO. 295-296/09-EJ

Per Mr. Justice R.M.S. Khandeparkar (for the Bench):

Mr. Suraj Prakash present in person states that he has no money to deposit in terms of Stay order No. 236-237/2009 dated 24.2.2009. In view of failure to comply with the stay order consequence as contemplated under section 35F of Central Excise Act, 1944 to follow. Consequently, the appeals filed without pre-depositing the amount are liable to be dismissed and accordingly, Appeal No. E/2650 & 2665/2009 hereby stand dismissed for non-compliance of provisions of law comprised under section 35F of the said Act.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)/
Member(Technical)

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

**Excise Misc. Application No. 364 /2009- Ex(BR)
Excise Appeal No. 2650 & 2665 /2008- Ex(BR)**

M/s. Ramashiv Industries Ltd.

Appellant

Vs.

Commissioner of Central Excise
Kanpur

Respondent

Appearance:

Mr. A.K. Dixit, Advocate & Mr. Suraj Prakash for the Appellant
Mr. Virender Choudhary, SDR for the Respondent

CORAM:

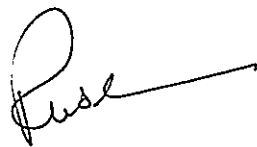
Hon'ble Mr. Justice R.M.S. Khandeparkar, President
Hon'ble Mr. M. Veeraiyan, Member (Technical)

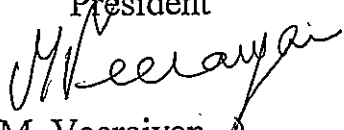
Date of Hearing/decision : 29.4.2009

10/182 ORAL ORDER NO. 265/09-49

Per Mr. Justice R.M.S. Khandeparkar (for the Bench):

Heard. There is no case made out for modification of the order dated 24.2.09. There is no power of review of such order. Besides the ground disclosed in the application do not convince us to modify our earlier order. Hence, the application is dismissed.


(Justice R.M.S. Khandeparkar)
President


(M. Veeraiyan)
Member(Technical)

6.11

FO 295-286/09 94

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

West Block No.2, R.K.Puram, New Delhi

COURT-I

Date of hearing/decision: 18.9.2009

**Restoration Applications No.106, 107 of 2009 in
Central Excise Appeals No. 2650, 2665 of 2003**

M/s Ramshiv Industries Ltd.
Suraj Prakash

....

Appellants

Vs.

C.C.E., Kanpur

....

Respondent

Appearance:

Shri A.K. Dixit , Advocate for the appellants
Shri V. Chaudhary, Authorized Departmental Representative (SDR) for the
Revenue

Coram: Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri M. Veeraiyan, Member (Technical)

ORDER

Per Shri Justice R.M.S. Khandeparkar:

At the request of the learned Advocate for the appellants, stand
over to 6.11.2009.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan) /
Member (Technical)

scd/

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

PRINCIPAL BENCH - COURT NO. 1

Excise ROA Nos. 106-107 of 2009 in
Excise Appeal Nos. 2650-2665 of 2008

M/s Ram Shiv Indus. Ltd.
Shri Suraj Prakash

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Appellants
(Rep by NONE)

VERSUS

CCE, Kanpur

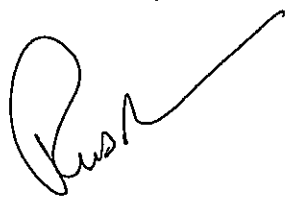
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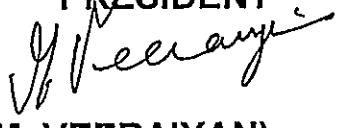
Respondent
(Rep by Sh. K.P. Singh, DR)

DATE OF HEARING : 04.01.2010

ORDER SHEET

The registry is directed to make necessary corrections in the cause list regarding the name of the advocate for the appellants and record the name of Shri Atul Kumar Dixit as the advocate for the appellants.


(JUSTICE R.M.S. KHANDEPARKAR)
PRESIDENT


(M. VEERAIYAN)
MEMBER (TECHNICAL)

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

PRINCIPAL BENCH - COURT NO. 1

**Excise ROA Nos. 106-107 of 2009 in
Excise Appeal Nos. 2650/2665 of 2008**

**M/s Ram Shiv Indus. Ltd.
Shri Suraj Prakash**

.....

Applicants
(Rep by NONE)

VERSUS

CCE, Kanpur

.....

Respondent
(Rep by Sh. Anil Khanna, DR)

DATE OF HEARING : 15.02.2010

ORDER SHEET

None present for the applicants. Shri Anil Khanna,
DR, present for the respondent.

2. The cause list issued by the Registry discloses the name of Shri Atul Gupta as the advocate for the applicants/appellants. Under order dated 04.01.2010, the Tribunal had specifically directed the registry to make necessary corrections in the cause list regarding the name of the advocate for the appellants and to record the name of Shri Atul Dixit as the name of the appellants. It is neither understood nor known as to why the registry has not carried

out the said direction and why the name of Shri Atul Gupta still appears as the advocate for the appellants. The Registrar is directed to inquire into the matter and submit the report fixing the responsibility for not carrying out the order dated 04.01.2010 to the Hon'ble President on or before 04.03.2010. Meanwhile, the registry is directed to carry out the said order without fail and to fix the matter for hearing on 11.03.2010.



(JUSTICE R.M.S. KHANDEPARKAR)
PRESIDENT



(RAKESH KUMAR)
MEMBER (TECHNICAL)

Golay