

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

Appeal No. E/197 /2009-198 /2009 - EX[DB]

Date 26/05/2009

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

To :
M/S SARTHAK EXIM PVT. LTD.

FLAT NO.804,
PARAGATI TOWER, 26, RAJINDRA PALCE,
NEW DELHI.

M/S SARTHAK EXIM PVT. LTD.

Appellant

Vs

Respondent

C.C.E. DELHI I

EX[DB] dated 15-5-09

I am directed to transmit herewith a certified copy of Final order No. 377-378/2009-

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. DELHI I

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

2. Adv. / Consult

MR. PREM RANJAN KUMAR, ADV

LGF 10/62, VIKRAM VIHAR, LAJPAT NAGAR PART-IV, N DELHI-24

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 Puniabi Bagh, New Delhi - 110026

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

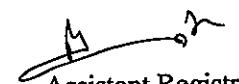
15 LAWCRUX Advisors Pvt Ltd. LAW House.1-8.Sector - 10, Faridabad 121003 (Harvana)

16 Office Copy

17 Guard file

18 HON'BLE PRESIDENT.

19. M/S KRISHAN KISHORE AGGARWAL,
R/O 229, ARUNODAYA APPARTMENTS, VIKASPURI, NEW
DELHI.


Assistant Registrar
(Excise Appeal Branch)

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
West Block No.2, R. K. Puram, New Delhi

COURT-I

Date of hearing/decision: 15.05.2009

Excise Appeal Nos. 197 of 2009

[Arising out of order in original No.21/2008 dt. 14.10.2008 passed by the Commissioner of Central Excise & Customs, New Delhi].

M/s Sarthak Exim Pvt. Limited

Appellant

Vs.

CCE, Delhi-I

Respondent

AND

Excise Appeal No. 198 of 2009

[Arising out of order in original No.21/2008 dt. 14.10.2008 passed by the Commissioner of Central Excise & Customs, New Delhi].

Sh. Krishan Kishore Aggarwal

Appellant

Vs.

CCE, Delhi-I

Respondent

For approval and signature:

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

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

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?	Yes
4	Whether Order is to be circulated to the Departmental authorities?	No

Appearance:

Appeared for the Appellant – None

Appeared for the Respondent – Shri S. Shah, DR

Coram: Hon'ble Shri Justice R.M.S. Khandeparkar, President

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

Final Oral Order No. 377-378/09-EX

Per Justice R.M.S. Khandeparkar:

None present for the appellant. Learned DR present for the respondent.

2. Under order dated 02.04.2009, the application filed by the appellants were dismissed and they were required to deposit the entire duty demanded under the impugned order in terms of Section 35F of the Central Excise Act, 1944. As regards penalty, the appellants were required to deposit a sum of Rs. 50,000/- in relation to the Director. However, records nowhere disclosed the appellants having complied with the said order. Under the circumstances, the consequences of order dated 02.04.2009 under Section 35F of the Act are bound to follow. Accordingly, the Excise Appeal Nos. 197 & 198 of 2009 stand dismissed for non-compliance of the requirement of Section 35F of the Act.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)
Member (Technical)

/Pant/