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

Appeal No. E/6117/2004 - EX[DB] Date 12/08/2009

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

To :
M/S ROLEX PROCESSORS PVT.LTD.
13TH-14TH K.M.,GANGAPUR ROAD,VILL-PUR,BHILWARA (RAJASTHAN)
M/S ROLEX PROCESSORS PVT.LTD. Appellant
Vs
C.C.E.JAIPUR-II Respondent

I am directed to transmit herewith a certified copy of **Final order No.** 511/2009-EX **EX[DB]** dated 05-8-09

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.JAIPUR-II
N.C.R.BUILDING,C-SCHEME,JAIPUR
302005
2. Adv. / Consult SH. BIPIN GARG, ADV.,
B-1/1289-A, VASANT KUNJ,
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 Publictions 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.

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: 5.8.2009

Central Excise Appeal No.6117 of 2004

Arising out of the order in appeal NO.517 (RM)/CE/JPR -II/2004 dated 18.8.04 passed by the Commissioner (Appeals II), Customs & Central excise, Jaipur.

For Approval and Signature:

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

1	Whether Press Reporter may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	Noe.
2	Whether it should be released under Rule 27 of 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?	Yes

M/s Rolex Processors Pvt. Ltd. .... Appellant

Vs.

C.C.E., Jaipur II .... Respondent

Appearance:

None for the appellants
Shri Surender Shah, Authorized Departmental Representative (SDR) for the Revenue

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

Final Oral Order No. 511/09-EX

Per Shri Justice R.M.S. Khandeparkar:

None present for the appellant. Shri Surender Shah, learned SDR present for the respondent. Shri Bipin Garg, Advocate for the appellants has placed on record a submission dated 24.7.09 which reads thus:

> " ***In view of the matter the undersigned counsel was engaged by the appellant and vakalatnama was filed. However, the appellant is not contacting us even after making request for preparation of appeal. A letter in this regard was also written to the appellants, copy enclosed, hence there is no option to the counsel but to withdraw the vakalatnama. It is requested that the counsel may be allowed to withdraw the valakatnama".***

In case of withdrawal of valakatnama it is not a matter of right but necessary leave has to be obtained in that regard after service of appropriate notice to the client. The submission does not disclose whether any appropriate notice was served upon to the client in that regard. At the same time, the submission discloses that Advocate made efforts to contact the appellant but there is no response from the appellant. In the circumstances, the request for discharge cannot be granted. At the same time in view of the statement in the submission that "no contact by the appellant to the advocate" disclosed the absence of necessary instruction to the advocate to contest the proceeding. On this ground alone the appeal can be disposed of on the ~~ground of~~ non-prosecution. The appeal is accordingly, disposed of as non-prosecuted.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)
Member (Technical)

scd/