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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/805 /2009 - EX[DB]   Date 02/12/2009

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

To :
M/S GARG INDUSTRIES LTD
GARHI TARKHANA, TEHSIL-MACHHIWARA, DISTT-LUDHIANA.

M/S GARG INDUSTRIES LTD   Appellant
Vs
C.C.E. LUDHIANA   Respondent

I am directed to transmit herewith a certified copy of **Final order No. 1269/ 2009 EX[DB]** dated 27-11-09 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. LUDHIANA
   CENTRAL EXCISE HOUSE, 'F' BLOCK, RISHI NAGAR, LUDHIANA 141001 (PUNJAB)
2. Adv. / Consult
   MR.KAMALJEET SINGH
   J-144, PATEL NAGAR -I,GHAZIABAD.
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)

(2)

IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi – 110 066.
Principal Bench, New Delhi

COURT NO. I

Excise Appeal No. 805 of 2009

[Arising out of the Order-in-Original No. 29/Ldh/08 dated 06/01/2009 passed by The Commissioner of Central Excise, Ludhiana.]

For Approval and signature :

Hon'ble Justice R.M.S. Khandeparkar, President
Hon'ble Shri Rakesh Kumar, 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 would 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 Department Authorities? : Yes

M/s Garg Industries Ltd. Appellants

Versus

CCE, Ludhiana Respondent

Appearance

None – for the appellants.

Shri B.K. Singh, Authorized Representative (Jt. CDR) – for the Respondent.

CORAM : **Hon'ble Justice R.M.S. Khandeparkar, President**
Hon'ble Shri Rakesh Kumar, Member (Technical)

DATE OF HEARING : 27/11/2009.
DATE OF DECISION : 27/11/2009.

FINAL Oral Order No. 1269/09-Ex Dated : ____________

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Per. Justice R.M.S. Khandeparkar :-

None present for the appellants. Shri B.K. Singh, Jt. CDR present for the respondent. Records do not disclose compliance of order dated 22nd July 2009 passed in stay application No. 797 of 2009. When the matter had come up for filing compliance on 25th September 2009, nobody had appeared nor anything reported in relation to the progress in the matter of writ-petition stated to have been filed in the Hon'ble Punjab & Haryana High Court by the appellants. There is nothing on record to disclose any stay having been granted by Hon'ble Punjab & Haryana High Court to the order passed in the stay application by this Tribunal. On the last occasion, it was observed that appeal will have to be dismissed for failure on the part of the appellants to comply with the order regarding pre-deposit. However, opportunity was given to the appellants to satisfy the Tribunal against passing such order and, therefore, the matter was fixed for hearing today. As none had appeared nor anything placed on record disclosing compliance of the requirement of pre-deposit or to disclose as to why the appeal should not be dismissed, consequences contemplated under statutory provisions are bound to follow and therefore, the appeal is dismissed.

(Justice R.M.S. Khandeparkar)
President

(Rakesh Kumar)
Member (Technical)

PK