

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

Appeal No. E/471 /2009,510 /2009 – SM[BR]E/ STAY 480 &519/ 2009-SM[BR]

Date 25/05/2009

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

To :
12) M/S BAJAJ HINDUSTHAN LTD.
UNIT: KINAUNI, DISTT: MEERUT, (U.P.)
M/S BAJAJ HINDUSTHAN LTD.

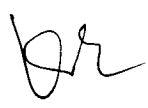
Appellant

Vs
Respondent

C.C.E. MEERUT I

am directed to transmit herewith a certified copy of Final order No. 472-473/2009-SM[BR]&S/235-236/2009 Dated 14.5.2009

passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(SM Appeal Branch)

Copy to :

1. Respondent

C.C.E. MEERUT I

EXCISE CHOWK, OPPOSITE CHOUDHARY CHARAN SINGH UNIVERSITY MANGAL PANDAY NAGAR, MEERUT
- 250005.

2. Adv. / Consult

MR. PRADEEP KUMAR MITTAL

171, CHITRA VIHAR, DELHI-110092

3 S.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

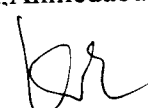
13 Taxmann Allied Service Pvt Ltd., 21/35, West Puniabi Bagh, New Delhi - 110026

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


Assistant Registrar
(SM Appeal Branch)

**IN THE CUSTOMS, EXCISE & SERVICE
TAX APPELLATE TRIBUNAL,
WEST BLOCK NO. 2, R.K. PURAM,
NEW DELHI**

COURT – III

**ST/STAY/480 & 519 OF 2009-SM IN &
SERVICE TAX APPEAL NO. 471 & 510 OF 2009-SM**

[Arising out of Order-in-Appeal No. 209/210-CE/MRT-I/2008 dated 28.11.2008 passed by the Commissioner (Appeals), Central Excise, Meerut-I]

For approval and signature:

Hon'ble Mr. P.K. Das, Member (Judicial)

1.	Whether Press Reporters may be allowed to see the order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	
2.	Whether it would be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	W
3.	Whether their Lordships wish to see the fair copy of the order?	
4.	Whether order is to be circulated to the Departmental authorities?	Y.V.

M/s. Bajaj Hindustan Limited,

Appellant

Vs.

CCE, Meerut-I

Respondent

Appearance:

Shri P.K. Mittal, Advocate for the appellants;
Shri R.K. Saini, D.R. for the Revenue

Coram:

Hon'ble Mr. P.K. Das, Member (Judicial),

Date of hearing/decision: 14th May, 2009

FINAL ORDER NO. 472 - 473/09 dated 14/5/09

Per P.K. Das: *stay order. 235 - 236/09*

Learned Advocate submits that the impugned order relates to the remission application. He fairly submits that in view of the Larger Bench decision in the case of Supercoats Industries vs. CCE, reported in 2005 (183) ELT 255 (Tri.-Mumbai) appellants want to withdraw both the appeals. In view of that both the appeals are dismissed as withdrawn.

2. Learned Advocate requests that appellants may be given liberty to file appeal before the proper forum. I find that the Larger Bench of the Tribunal decided that the appeal is not maintainable before the Tribunal against order of the Commissioner (Appeals) in the case relating to remission of duty. As such appellants are at liberty to file appeal before the proper forum.

(Dictated & pronounced in the Open Court.)

(P.K. DAS)
MEMBER (JUDICIAL)

RK