

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

Appeal No. ST/83 /2009 – SM[BR] ST / STAY / 278 / 2009

Date 26/08/2009

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

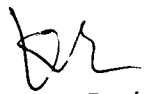
To :  
TELECOM DISTRICT MANAGER,BSNL  
DISTRICT-SITAPUR(UP)  
TELECOM DISTRICT MANAGER,BSNL

Appellant

Vs  
Respondent

C.C.E. LUCKNOW

I am directed to transmit herewith a certified copy of Final order No.1062 / 2009 –SM[BR]&S/451/2009 dated 10.8.2009 passed by the Tribunal under Section 129, (B) of the Customs Act,1962 & Financial Act 1994 relating to Service Tax

  
Assistant Registrar  
(SM Appeal Branch)

**Copy to :**

1. Respondent

C.C.E. LUCKNOW

7-A, ASHOK MARG, LUCKNOW.

2. Adv. / Consult

NONE;-----

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 APPLICATION NO. 278 OF 2009 IN  
& SERVICE TAX APPEAL NO. 83 OF 2009-SM**

[Arising out of Order-in-Appeal No. 128-CE/Lko/2008 dated 29.10.2008  
passed by the Commissioner (Appeals), Central Excise, Lucknow]

**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? | NA   |
| 3. | Whether their Lordships wish to see the fair copy of the order?                                                                      |      |
| 4. | Whether order is to be circulated to the Departmental authorities?                                                                   | Yes. |

Telecom District Manager,  
Bharat Sanchar Nigam Ltd.

Appellants

Vs.

CCE, Lucknow

Respondent

**Appearance:**

None 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: 10<sup>th</sup> August, 2009

FINAL ORDER NO. 1062/2009 SM(Br) dated                     

Per P.K. Das:

3-451/2009 SM(Br)

None appeared on behalf of the applicants. By letter dated 4.8.2009 the applicants requested to adjourn the matter as the matter is pending before the Committee of Dispute.

2. After hearing learned D.R. and on perusal of the records, I find that the matter was adjourned on earlier occasions for want of COD clearance.. Hence, appeal is dismissed along with stay application for want of COD clearance for statistical purpose. Appellants are at liberty to apply for restoration of appeal as well stay application as and when COD clearance is available.

(Dictated & pronounced in the Open Court.)

(P.K. DAS)  
MEMBER (JUDICIAL)

RK