

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

Appeal No. ST/606 /2010 - CU[DB]
ST/S/1044/10

Date 01/09/2010

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

To :
M/S. MOHD AKHLAQUE
ZINC SMELTER, DEBARI, UDAIPUR
M/S. MOHD AKHLAQUE

C.C.E. JAIPUR II

Appellant

Vs

Respondent

I am directed to transmit herewith a certified copy of **Final order No. ST/59/ 2010 CU[DB]** dated 13.08.10
passed by the Tribunal under Section 129, (B) of the Customs Act, 1962 & Financial Act 1994 relating to Service Tax

Alongwith Stay Order No ST/175/10


Assistant Registrar
(Customs Appeal Branch)

Copy to :

1. Respondent

C.C.E. JAIPUR II

N.C.R.BUILDING, STATUE CIRCLE, "C" SCHEME, JAIPUR 302005.

2. Adv. / Consult

MR.BIPIN GARG

B-1/1289,A-VASANT KUNJ, NEW DELHI

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 Company Law Institute of India Pvt Ltd., No.2(Old No. 36), Vaithyaram Street, T. Nagar, Chennai - 17

9 M/s. Deeparchie Publications, M-93, Marg. 46, Saket, New Delhi 110017

10 Taxmann Allied Service Pvt Ltd., 59/32, New Rohtak Road, New Delhi - 110005

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

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

13 TaxIndiaOnline.com Pvt Ltd., Unit No.1, 2nd Floor,Vasant Arcade,Nelson Mandela Road, Vasant Kunj, New Delhi - 110070

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Assistant Registrar
(Customs Appeal Branch)

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. III**

**Service Tax Appeal No. 606 of 2010 (Cus.Br.)
Service Tax Stay Application No. 1044/2010**

[Arising out of Order-in-Appeal No. 411- (KKG) CE/ JPR-II / 2009 dated 31.12.2009 passed by Commissioner of Central Excise (Appeals), Jaipur II]

For approval and signature:

Hon'ble Dr. C. Satapathy, Member (Technical)

Hon'ble Mr. D.N.Panda, 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.	yes
2	Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	yes
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. Mohd. Akhlaque

Appellants

Vs.

Commissioner of Central Excise
Jaipur II

Respondent

Appearance: Mr. Bipin Garg, Advocate for the Appellants
Mr. S.K.Panda, Jt.CDR Shri S.R.Meena, DR
for the Respondent

CORAM: - Hon'ble Dr. C. Satapathy, Member (Technical)
Hon'ble Mr. D.N.Panda, Member (Judicial)

Date of Hearing/decision : 13.8.2010

final ORDER NO. ST/59/10

Stay order No. ST/175/10

Per Dr. C. Satapathy (for the Bench):

Heard both sides.

2. The learned Advocate appearing for the appellants offers pre-deposit of Rs.45,000/- without prejudice to the contentions raised in the appeal. Accepting the offer, we direct the appellant to deposit Rs.45,000/- (Rupees Fortyfive thousand only) within four weeks from today and report compliance before the lower appellate authority. Subject to compliance with the above direction, the impugned order ^{shall} stand set aside and the appeal remanded to the lower appellate authority for decision on merits. In the event of non-compliance, the appeal shall stand dismissed.

(Dr. C. Satapathy)
Technical Member

(D.N.Panda)
Judicial Member

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