

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/1099/2011 – SM[BR] E/ STAY / 1370/2011-SM[BR]

Date 29/12/2011

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

To :
M/S MARATHON ELECTRIC (I)(P) LTD.,
SECTOR-11, MODEL TOWN, FARIDABAD
(HARYANA)
M/S MARATHON ELECTRIC (I)(P) LTD.,

Appellant

Vs
Respondent

C.C.E. DELHI IV

I am directed to transmit herewith a certified copy of Final order No. 947 /2011-SM[BR]&S/891/2011 dated 14.12.2011
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. DELHI IV
NEW CGO COMPLEX, NH-IV,
FARIDABAD, HARYANA 121001.

2. Adv. / Consult
MR.N.L.JANGIR
1530,SECTOR21-D,FARIDABAD

3. C.D.R
4. Bar association, CESTAT, New Delhi
5. Director Publications, Customs, Excise, I.P. Estate, New
6. M/s Centax Publications Pvt Ltd., 1512-B, Bhishm Pitamah marg, Opp. ICICI Bank of Defence Colony, New Delhi -
7. Company Law Institute of India Pvt Ltd., No.2(Old No. 36), Vaithyaram Street, T. Nagar, Chennai -17
8. Taxmann Allied Service Pvt Ltd., 59/32, New Rohtak Road, New Delhi -
9. Easy Service Tax Online Dot Com Pvt.Ltd.407A, Iscon Mall, Above Star India Bazar, Satellite Road, Ahmedabad-15
10. LAWCRUX Advisors Pvt Ltd. LAW House, 1-8, Sector - 10, Faridabad 121003 (Harvana)
11. TaxIndiaOnline.com Pvt Ltd., Unit No.1, 2nd Floor, Vasant Arcade, Nelson Mandela Road, Vasant Kunj, New Delhi - 110070
12. Office Copy
13. Guard file

Assistant Registrar
(SM Appeal Branch)

IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL,
WEST BLOCK NO.II, R.K. PURAM, NEW DELHI-110066.
BENCH-SM

Excise Stay Application No.E/S/1370/11-SM in
Excise Appeal No.E/1099/11-SM

[Arising out of Order-in-Appeal No.01/CE/APPL/DLH-IV/2011
dated 21.01.2011 passed by the Commissioner (Appeals),
Faridabad].

M/s.Marathon Electric India(P) Ltd. ...Appellant

Vs.

CCE, Faridabad ... Respondent

Present for the Appellant : Shri N.L. Jauger, Advocate
Present for the Respondent: Mrs.R.Jagdav, S.D.R.

Coram: HON'BLE MR. D.N. PANDA, JUDICIAL MEMBER

Date of Hearing/Decision:14.12.2011

final ORDER NO. 947/2011 *SM (B) &* DATED: _____
PER: D.N.PANDA *8-891/2011 SM (B)*

Ld. Counsel says that the relevant documents called for
by order dated 08.08.2011 have been provided to Revenue
forthwith. If those documents are examined by Revenue, the
appellants shall get substantial relief. Therefore, waiving pre-
deposit, appeal may be decided in favour of the appellant.

2. Ld. DR on the other hand says ^{that} a preliminary examination of the documents shows that certain documents ^{do} not contained relevant particulars for which the appellant shall ^{not} get ^{any} relief. Accordingly, no waiver of pre-deposit may be granted.

3. From the earlier date of hearing it appears that there was no document laid before the authorities below for which the appellant has suffered. Since the appellant has come forward to submit the documents and makes an averment that substantial relief shall be admissible to it, it is proper at the interest of justice to direct the appellant to make deposit of Rs.2.00 Lakhs as an interim measure to protect interest of Revenue and send the matter back to the Original Authority for examination of the said documents given by Id. Counsel. Ld. DR shall send back the documents received to the original authority to enable him to verify the contents thereof. The appellants shall appear before the Original authority with the challan making payment of the aforesaid amount by 30th Jan, 2012. If no payment is made, the appeal shall stand dismissed. If payment is made, the appellant shall make application for fixation of date of hearing by Original Authority. On such application the authority shall fix the date of hearing and grant fair opportunity of hearing to the appellant for redressal of its grievance, by ^a reasoned and speaking order.

4. In the result, both stay application and appeal are disposed in the above manner.

[Dictated & Pronounced in the open Court].

(D.N.PANDA)
JUDICIAL MEMBER

Anita