

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/1107/2008 – SM[BR] & E/ CO / 361 / 2008 –SM[BR]

Date 18/03/2010

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

To :
C.C.E ALLAHABAD
38,M.G.MARG, CIVIL LINES, ALLAHABAD
C.C.E ALLAHABAD

M/S ITI LTD

Appellant

Vs

Respondent

I am directed to transmit herewith a certified copy of **Final order No. 336 / 2010 –SM[BR]** dated 11.3.2010
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(SM Appeal Branch)

Copy to :

1. Respondent

M/S ITI LTD

NAINI,ALLAHABAD,(U.P.)

2. Adv. / Consult SHRI S.P. OJHA CO.

299, BAGHAMBARI HOUSING SCHEME ALLAHPUR
ALLAHBAD

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 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 (Harvana)

16 Office Copy

17 Guard file


Assistant Registrar
(SM Appeal Branch)

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

BENCH-SM

Date of Hearing/Decision:11.03.2010

Excise Appeal No.E/1107/08 & Excise CO No. E/CO/361/2008--SM
[Arising out of Order-in-Appeal no.43-CE/ALLD/2007 dated
25.2.2008 passed by the Commissioner (Appeals), Allahabad].

For approval and signature:

Hon'ble Mr.S.K. Gaule, 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?	
2	Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	
3	Whether Their Lordships wish to see the fair copy of the Order?	
4	Whether Order is to be circulated to the Departmental authorities?	

Commissioner of Central Excise, Allahabad

...Appellant

Vs.

M/s. ITI Ltd. Allahabad

... Respondent

Present for the Appellant :Shri.S.K. Bhaskar, JDR
Present for the Respondent: None

Coram: Hon'ble Mr. S.K.Gaule, Member (Technical)

final **ORDER NO.** 336/2010 SM **DATED:11.03.2010**

PER: S.K. Gaule

Revenue is in appeal against the Order-in-Appeal No.43-CE/ALLD/2007 dated 25.02.2008 whereby Commissioner (Appeals) has rejected the appeal of the appellant. The case is against public undertaking and department could not produce clearance from COD. Therefore, the appeal is dismissed. The appellants are at liberty to apply for restoration on receipt and

production of clearance from COD. Appeal is dismissed as above with liberty to apply for restoration.

[Dictated & Pronounced in the open Court].

(S.K. GAULE)
MEMBER (TECHNICAL)

Anita