

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

Appeal No. E/3051/2009-EX

Date 23/09/2010

E/S/ 3135/09-EX

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

To :
M/S METRO TUNNELING GROUP,
HEAD OFFICE AT DDA LAND NEAR SARVAPRIYA
APARTMENT, SARVAPRIYA VIHAR, P.O.HAUZ
KHAS, NEW DELHI-16
M/S METRO TUNNELING GROUP,

Appellant

Vs

Respondent

C.C.E. DELHI I

STAY ORDER NO. 663/2010-EX

2010 EX[DB] dated 17-9-10

I am directed to transmit herewith a certified copy of Final order No. 651/
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(Excise Appeal Branch)

Copy to :

1. Respondent

C.C.E. DELHI I

C.R. BUILDING, I.P. ESTATE, NEW DELHI 110002

2. Adv. / Consult

MR.P. PURUSHOTTAM
FLAT NO. 5, BLOCK IV, MAANSOVAR RAAJA APARTMENTS,
11A, ARCOT ROAD, PORUR CHENNAI-600116

3 C.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

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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

14 Office Copy

15 Guard file

16. HON'BLE PRESIDENT

C.P.MEIER-PROJECT LEADER,

M/S METRO TUNNELING GROUP, HEAD OFFICE AT DDA
LAND NEAR SARVAPRIYA APARTMENT, SARVAPRIYA
VIHAR, P.O. HAUZ KHAS, N. DELHI-16


Assistant Registrar
(Excise Appeal Branch)

**CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
West Block No.2, R. K. Puram, New Delhi.**

Date of hearing/ decision: 17.09.2010

For approval and signature:

Hon'ble Shri Justice R.M.S. Khandeparkar, President

Hon'ble Shri Rakesh Kumar, 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.	<i>Jr</i>
2	Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	<i>ps</i>
3	Whether Their Lordships wish to see the fair copy of the Order?	<i>Der</i>
4	Whether Order is to be circulated to the Departmental authorities?	<i>Y</i>

Excise Appeal No. 3051 of 2009 with Excise Stay No. 3135 of 2009
[Arising out of Order-in-Original No. 23-24/D-I/2009 dated 31.08.2009 passed by the Commissioner of Centrla Excise, Delhi].

M/s Metro Tunneling Group

Appellant

Vs.

CCE, New Delhi

Respondent

AND

Excise Appeal No. 3052 of 2009 with Excise Stay No. 3136 of 2009
[Arising out of Order-in-Original No. 23-24/D-I/2009 dated 31.08.2009 passed by the Commissioner of Centrla Excise, Delhi].

Sh. C.P. Meier, Project Leader

Appellant

Vs.

CCE, New Delhi

Respondent

Appearance: Rep. by Sh. Achin Goel, Advocate for the appellants.
Rep. by Sh. B.K. Singh, Jt. CDR for the Respondent

Coram: Hon'ble Sh. Justice R.M.S. Khandeparkar, President
Hon'ble Sh. Rakesh Kumar, Member (Technical)

STAY Oral Order No. 663/10-EX
FINAL Oral Order No. 651/10-EX
Per: Shri Justice R.M.S. Khandeparkar:

On oral motion made by the learned Advocate for the appellants above appeals were taken on Board.

2. Learned Advocate for the appellants has submitted copy of the order passed by the Hon'ble Delhi High Court on 30.08.2010 in Writ Petition No. 5850/2010, alongwith CM No. 11529/2010. In terms of the said order, the Tribunal is required to dispose of the appeal filed by the appellants M/s Metro Tunneling Group treating the same as having been withdrawn.
3. Learned Advocate was asked as to whether such withdrawal also relates to the appeal filed by Sh. C.P. Meier, the Project Leader of Joint Venture who was also penalized with sum of Rs. 1 lakh under the order which has been impugned in the appeal filed by M/s Metro Tunneling Group. In fact, the said Sh. C.P. Meier has filed Excise Appeal No. 3052 of 2009 whereas M/s Metro Tunneling Group filed Excise Appeal No. 3051 of 2009 against the same order. Learned Advocate for the appellants informed the Tribunal that the order of the High Court relates only to the Excise Appeal No. 3051 of 2009 which was filed by M/s Metro Tunneling Group. As regards the other appeal, the appellants would take appropriate steps separately. As regards the specific query with the learned Advocate as to whether the appellants M/s Metro Tunneling Group has disclosed to the High Court as to whether the said Sh. C.P. Meier has also filed Excise

Appeal No. 3052 of 2009, Learned Advocate submitted that the records of the Writ Petition filed by M/s Metro Tunneling Group do not disclose the said fact having been stated therein. Learned Advocate submitted that necessary steps would be taken as regards the said appeal.

3. In the facts and circumstances and in terms of the order passed by the High Court of Delhi, the appeal No. 3051 of 2009 is disposed of as withdrawn, alongwith the Excise Stay application No. 3135 of 2009 which was filed therein.

4. Registry is directed to forward the copy of this order to the Registrar General of Delhi High Court for necessary information.

(Justice R.M.S. Khandeparkar)
President

(Rakesh Kumar)
Member (Technical)

Pant