

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

Appeal No. E/1857/2005 - EX[DB] WITH E/CROSS OBJECTION/32/06

Date 19/10/2010

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

To :
C.C.E.ALLAHABAD U.P
38,M.G.ROAD CIVIL LINES ALLAHABAD U.P
C.C.E.ALLAHABAD U.P

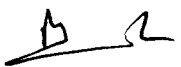
M/S AMRIT BOTTLERS PVT.LTD.

Appellant

Vs
Respondent

2010 EX[DB] dated 04-10-10

I am directed to transmit herewith a certified copy of Final order No. 726/
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(Excise Appeal Branch)

Copy to :

1. Respondent

M/S AMRIT BOTTLERS PVT.LTD.

VILL-CHHANDPUR HARBANS P.O.DABHASAMER DISTT.FAIZABAD U.P

2. Adv. / Consult

MR.S.P. OJHA

299, BAGHAMBARI HOUSING SCHEME, ALLAHPUR, ALLAHABAD, (UP)

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

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

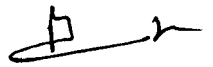
12 LAWCRUX Advisors Pvt Ltd, LAW House.1-8,Sector - 10, Faridabad 121003 (Harvana)

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.


Assistant Registrar
(Excise Appeal Branch)

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

**Excise Appeal No. 1857 /2005-Ex(BR)
Excise Cross Objection No. 32 /2006-Ex(BR)**

[Arising out of Order-in-Appeal No. 38-CE/ALLD /2005 dated 29.3.2005
passed by Commissioner (Appeals) Central Excise, Allahabad (UP)]

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 : *Yes*
the Order for publication as per Rule 27 of the
CESTAT (Procedure) Rules, 1982?

2. Whether it should be released under Rule 27 : *No*
of the CESTAT (Procedure) Rules, 1982 for
publication in any authoritative report or not?

3. Whether Their Lordships wish to see the fair : *See*
copy of the Order?

4. Whether Order is to be circulated to the : *Yes*
Departmental authorities?

Commissioner of Central Excise
Allahabad

Appellants

Vs.

M/s. Amrit Bottlers Pvt. Ltd.

Respondent

Appearance:

Shri B.L. Soni, SDR for the Appellants

Shri S.P. Ojha, Consultant, for the Respondent

CORAM:

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

Date of Hearing/decision : 4.10.2010

FINAL ORDER 726/10-EX

Per Shri Justice R.M.S. Khandeparkar (for the Bench):

Heard the SDR for the respondent. SDR^{has} placed on record a report of the Assistant Commissioner, Faizabad in relation to enquiry conducted on 8.6.2010 in the matter of appellants and submitted that in view of that report, the departments challenge of the impugned order does not survive.

While accepting the said explanation, we dispose of the appeal accordingly.

2. In view of the disposal of the appeal, the Cross Objection does not survive.

(Justice R.M.S. Khandeparkar)
President

(Rakesh Kumar)
Member(Technical)