

GRAM : CEGCANAL

REGISTERED/A.D

THE CUSTOMS, EXCISE & GOLD (CONTROL) APPELLATE TRIBUNAL,

West Block No. 2, R.K. Puram, New Delhi - 110066.

BENCH NB(SM)

Appeal No. E/2623, 2625, 2627/00-NB(SM)

Dated : 9/2/07

CEGAT

NEW DELHI

To,

Sh. Vinay Kumar & others

170, Shastri Nagar

Amritsar (Ph)

In the matter of :

Sh. Vinay Kumar & others

Appellant

vs.

CCE Chandigarh

Respondent

I am directed to transmit herewith a certified copy of Final Order No. A/218-220/07-NB(SM)

Dated : 2-2-07 passed by the Tribunal under Section 35-C(1) of Central Excise & Salt Act, 1944/Section 129 (B) of the Customs, Act, 1962.

Copy to :

1. CCE Chandigarh.

Asstt. Registrar
NB(SM)

2. CCE/CEI (Appeal) Chandigarh
3. Chief Commissioner of Central Excise / Customs. New Delhi
4. Adv. / Consult. Sh. Vivek Sood Adv.
C-16, Nizamuddin west,
5. S.D.R. NB(SM) New Delhi
6. JCDR
7. Bar Association, CEGAT, New Delhi
8. Library, CEGAT, New Delhi
9. Director (Review), C.B.E.C. North Block, New Delhi
10. Guard File.
11. M/s Deeparchic Publications, M-93, Marg-46, Saket, New Delhi.
12. M/s Centax Publications (P) Ltd., 1512-E, Bhishm Pitamah Marg, opp. Sachdeva P.T. College of Defence Colony, New Delhi-110003
13. M/s Lex Site Com. Ltd., Mumbai
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Asstt. Registrar NB(SM)

**In the Custom, Excise & Gold (Control) Appellate Tribunal
New Delhi**

APPEAL NO. E/2623, 2625, 2627/00-NB(S)
OF 19 (.....)

ARISING OUT OF ORDER IN ORIGINAL/APPEAL NO.

51-89/CE/CHD-II/2000/Pt. III DATED 4.5.2000

PASSED BY Commissioner, Central Excise

Chandigarh

Date of decision 2.2.2001

Sh. Vinay Kumar & Others APPELLANT (S)

Represented by Sh./Smt. Deepak Mahajan,

Advocate

VERSUS

CCE, Chandigarh RESPONDENT (S)

Represented by Sh./Smt. S.C. Pushkarna,

JDR

CORAM:

SHRI P.G. CHACKO, MEMBER (JUDICIAL)

To be referred to the Reporter or not?

FINAL ORDER NO. M/218-220/01/NB

Per P.G. Chacko :

(Signature)

Ld. Advocate Sh. Deepak Mahajan representing the applicants in Application Nos. E/Misc./540-542/(NB(S) prays for further time for deposit on the ground that he is yet to receive response from his

clients on the matter. In other words, ld. Counsel has no instructions from his clients inspite of the fact that he had duly intimated the order of the Bench to them.

2. As per Misc. Order dated 5.1.2001, the applicants had been directed to deposit 50% of the respective amounts ^{of 3} and penalty and furnish proof of such deposit, as a pre-condition for ~~the~~ hearing on the Misc. applications. That order was passed under Rule 41 of the CEGAT (Procedure) Rules. The time for deposit was further extended by the Bench as per subsequent order dated 29.1.2001. That time has also run out. It was categorically mentioned in the order dated 29.1.2001 that the Misc. applications would stand dismissed in the event of the applicants' failure to deposit the amounts. That event has come today and hence the applications stand dismissed. Even otherwise, the applications are liable to be rejected on the ground that the applicants are apparently not interested in prosecuting the matter any further as evidenced by their ^{conduct} ~~contact~~ of not instructing Counsel.

3. Reverting to the three appeals, I find that the order passed by the Bench on 16.10.2000 [vide Stay Order No. S/730-736/2000/NB(SM)] directing the

appellants to deposit, on or before 4.12.2000, 50% of the amounts of penalty respectively imposed on them by the Commissioner has not yet been complied with by the parties inspite of notice. The appeals, therefore, cannot be maintained under Section 35F of the Central Excise Act, 1944 and the same are rejected for non-compliance with the provisions ~~with~~ *of* Section 35F.

(P.G. CHACKO)
MEMBER (JUDICIAL)

RM
2.2.2001