

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

Appeal No. E/S/2778-2779//2010 IN E/3012-3013/2010 - EX[DB]

Date 09/03/2011

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

To :
M/S ITD-ITD-CEM JV

PARK PLOT NO 7, NEAR MAHANAGAR
DOORSANCHAR SADAN,
CGO COMPLEX,

M/S ITD-ITD-CEM JV

← VITAVAS KUNAPONGSIRI
PROJECT DIRECTOR

Appellant

Vs

Respondent

C.C.E. DELHI I

Stay Order No.335-336/2011-EX.

I am directed to transmit herewith a certified copy of Final order No.265-266/ 2011 EX[DB] dated 04.03.2011 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.R.K. HASIJA, ADV.
B-6/10, SAFDARJUNG ENCLAVE,
NEW DELHI-110029
3. C.D.R
4. Bar association. CESTAT. New Delhi
5. Director Publications. Customs, Excise. I.P. Estate, New Delhi
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. M/s. Deeparchie Publications. M-93, Marg. 46, Saket, New Delhi 110017
9. Taxmann Allied Service Pvt Ltd., 59/32, New Rohtak Road, New Delhi - 110005
10. Easy Service Tax Online Dot Com Pvt.Ltd.407A, Iscon Mall, Above Star India Bazar, Satellite Road, Ahmedabad-15
11. LAWCRUX Advisors Pvt Ltd, LAW House, 1-8, Sector - 10, Faridabad 121003 (Harvana)
12. TaxIndiaOnline.com Pvt Ltd., Unit No.1, 2nd Floor, Vasant Arcade, Nelson Mandela Road, Vasant Kunj, New Delhi - 110070
13. Office Copy
14. Guard file
15. HON'BLE PRESIDENT

Assistant Registrar
(Excise Appeal Branch)

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

DIVISION BENCH

Date of Hearing/Decision: 21.02.2011

**Excise Stay Application No.2778 of 2009
In Central Excise Appeal No.3012 of 2009**

M/s.ITD-ITD-CHEM JV

Appellant

Vs.

CCE, Delhi

Respondent

**Excise Stay Application No.2779 of 2009
In Central Excise Appeal No.3013 of 2009**

M/s.VITAVAS KUNAPONGSIRI PROJECTS

Appellant

Vs.

CCE, Delhi

Respondent

Present for the Appellant : Shri R.K.Hasija, Advocate
Present for the Respondent: Shri V.Choudhary, SDR

CORAM: HON'BLE MR.JUSTICE R.M.S. KHANDEPARKAR, PRESIDENT
HON'BLE MR.RAKESH KUMAR, MEMBER (TECHNICAL)

STAY ORAL ORDER No. 335-336/2011-EX

PER: JUSTICE R.M.S. KHANDEPARKAR

Since the question of law and facts arise in both the matters are common, they were heard together. As we propose to dispose of the appeal itself, the stay applications are allowed without insisting for pre-deposit of the amount while directing the Registry to place the appeal for final disposal forthwith. The applications are disposed of.

**(JUSTICE R.M.S.KHANDEPARKAR)
PRESIDENT**

(RAKESH KUMAR)

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

Date of hearing : 21.02.2011

Date of decision: 04-03-2011

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.	
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?	

Excise Appeal No. 3012 of 2010

[Arising out of order-in-original Nos. 15-16/D-1/2010 dated 24.06.2010 passed by the Commissioner of Central Excise, Delhi-I]

M/s ITD-ITD-CEM JV

Appellants

[Rep. by Sh. R.K. Hasija, Advocate]

Vs.

CCE, Delhi

Respondent

[Rep. by Sh. V. Choudhary, SDR]

AND

Excise Appeal No. 3013 of 2010

[Arising out of order-in-original No. dated passed by the Commissioner of Central Excise, Delhi-I]

Vitavas Kunapongsiri, Project Director

Appellants

[Rep. by Sh. R.K. Hasija, Advocates]

Vs.

CCF, Delhi

Respondent

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

FINAL Oral Order No. 265-266 / 2011-~~Q~~

Per: Shri Justice R.M.S. Khandeparkar:

1. Heard the learned Advocate for the appellants and learned SDR for the respondent.
2. In view of Notification No. 01/2011-CE(NT) dated 17.02.2011 issued by the Government the controversy in the matters no more subsist and demand against the appellants cannot be sustained. Hence, the appeals are allowed, the impugned orders are hereby quashed and set aside.
3. Appeals according stand disposed of.

[Justice R.M.S. Khandeparkar]
President

[Rakesh Kumar]
Member [Technical]

/Pant/