

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

Appeal No. E/1933 - EX[DB]

Date 27/04/2011

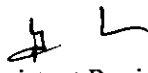
Assistant Registrar
C.E.S.T.A.T, New Delhi

To :
SH. SUNIL KUMAR GUPTA, PROP. OF
M/S A.S. STEEL & OTHERS, R/O 11-, E-37, NEHRU
NAGAR, GHAZIABAD. (U.P.)
SH. SUNIL KUMAR GUPTA, PROP. OF

Appellant
Vs
Respondent

C.C.E. NOIDA

I am directed to transmit herewith a certified copy of Final order No.367/ 2011 EX[DB] dated 18-4-11
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. NOIDA

C-56/42, SECTOR-62, NOIDA-
201307

2. Adv. / Consult

*SHRI S.B. SINGH, ADV.,
37, 1ST FLOOR, NAVYUG MARKET,
GHAZIABAD*

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

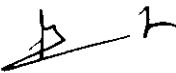
11. LAWCRUX Advisors Pvt Ltd, LAW House.1-8, Sector - 10, Faridabad 121003 (Harvana)

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.



CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
West Block No.2, R. K. Puram, New Delhi.
Court No. 1

Date of hearing/decision: 18.04.2011

For approval and signature:

Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri Mathew John, 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.	Yes
2	Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?	No
3	Whether Their Lordships wish to see the fair copy of the Order?	See
4	Whether Order is to be circulated to the Departmental authorities?	Yes

Excise Appeal No. 1933 of 2009

[Arising out of order in original No. 34/Aayukt/Noida/2008 dated 27.8.2008 passed by the Commissioner, Central Excise, Noida]

Sunil Kumar

Appellants

Vs.

CCE, Noida

Respondent

Appearance:

None for the appellants.

Rep. by Sh. I. Baig, DR for the respondent.

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

FINAL ORAL ORDER NO. 367/2011-EX

Per: Hon'ble Shri Justice R.M.S. Khandeparkar:

Heard the learned Advocate for the appellants and the DR for the respondent.

2. None present for the appellants and the DR present for the respondent.

An application is placed on record seeking adjournment.

3. The order dated 21.02.2011 clearly disclose that the appellant has been in habit of seeking adjournments without disclosing justifiable reason apart from the fact that he has failed to comply with the requirement of pre-deposit. The appellant therefore was given opportunity to comply with the requirement of Section 35F of Central Excise Act in that regard. However, the appellant has failed to comply with the said requirement or satisfy the Tribunal as to why the appeal should not be dismissed for non-compliance of the said requirement of pre-deposit. Hence, the appeal is liable to be dismissed and is accordingly hereby dismissed for non-compliance of the requirement of pre-deposit.

(Justice R.M.S. Khandeparkar)
President

(Mathew John)
Member (Technical)

Pant