

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

Appeal No. E/2667/2010 - EX[DB] WITH E/S/2429/2010-EX

Date 19/05/2011

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

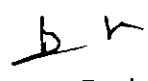
To :
C.C.E. JAMMU
OB-32, RAIL HEAD COMPLEX, JAMMU - 180012.
C.C.E. JAMMU

Appellant
Vs
Respondent

M/S B.R.AGROTECH LIMITED

STAY ORDER NO. 553/2011-EX

I am directed to transmit herewith a certified copy of **Final order No.430/ 2011 EX[DB]** dated 18-5-11
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 B.R.AGROTECH LIMITED
INDUSTRIAL AREA, SIDCO,
KATHUA(J&K)

2. Adv. / Consult
MR.BIPIN GARG
B-1/1289,A-VASANT KUNJ, NEW DELHI

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. Taxmann Allied Service Pvt Ltd., 59/32, New Rohtak Road, New Delhi - 110005
9. Easy Service Tax Online Dot Com Pvt.Ltd.407A,Iscon Mall,Above Star India Bazar,Satellite Road, Ahmedabad-15
10. LAWCRUX Advisors Pvt Ltd, LAW House,1-8.Sector - 10, Faridabad 121003 (Harvana)
11. TaxIndiaOnline.com Pvt Ltd., Unit No.1, 2nd Floor,Vasant Arcade,Nelson Mandela Road, Vasant Kunj, New Delhi - 110070
12. Office Copy
13. Guard file


Assistant Registrar
(Excise Appeal Branch)

**IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi - 110 066.**

COURT NO. II

Date of Hearing : 9.5.2011

Excise Stay No. 2429 of 2010 and Excise Appeal No. 2667 of 2010

[Arising out of the Order-in-Appeal No. 392-411/CE/Appl/Chd-II(JK)/2009 dated 30.4.2009 passed by the Commissioner (Appeals), Central Excise, Chandigarh]

Coram:

Hon'ble Mr. D.N. Panda, Member (Judicial)

Hon'ble Mr. Mathew John, Member (Technical)

1.	Whether Press Reporter may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	Yes
2.	Whether it would 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 Department Authorities?	No

CCE, Jammu

Appellant

Vs.

M/s B.R. Agrotech Ltd.

Respondent

Appearance:

Appeared for Appellant : Shri Sumit Kumar, DR

Appeared for Respondent : None

CORAM: Hon'ble Mr. D.N. Panda, Member (Judicial)
Hon'ble Mr. Mathew John, Member (Technical)

FINAL Order No. 430/2011-EX dated.....
STAY order No. 553/2011-EX.

Per D.N. Panda :

None present for the Respondent. On an earlier occasion, i.e. on 21.3.2011, Ms. Sukirti Das, Id. Counsel mentioned that she shall file Vakalatnama for which adjournment was sought.

2. Ld. DR explains today that the matter in controversy has already been decided in the case of **CCE, Jammu Vs. Jindal Drugs Ltd. & Others** reported in 2010 (97) RLTONLINE 13 (CESTAT-DEL.), the result of the order ^{is} that Revenue has succeeded in ^{that} Appeal. Once there is a decision by Division Bench and that the order is speaking and reasoned order as well as descriptive, we follow the decision of that case and allow Revenue's Appeal. Consequently, the stay Application also gets disposed of.

(Dictated & pronounced in open Court)

(D.N. Panda)
Member (Judicial)

(~~Mathew John~~)
Member (Technical)

RM