

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

Appeal No. E/3805/2010 - EX[DB] WITH E/S/3621/2010-EX

Date **30/09/2011**

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

To :
MAJOR S.C.MALHOTRA (RETD) PROPRIETOR
M/S J.S.TOBACCO AGENCIES LTD & M/S JYOTI
SUPER SALES- RAMPUR R/O F-115B/3, WESTERN
AVENUE SANIK FARM, N DELHI.-62
MAJOR S.C.MALHOTRA (RETD) PROPRIETOR

Appellant

Vs

Respondent

C.C.E. DELHI I

STAY ORDER NO. 995/2011-EX

I am directed to transmit herewith a certified copy of Final order No.838/
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944

2011 EX[DB] dated 29-9-11


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.SUJATA SHIROLKAR

171 POCKET IV, MAYUR VIHAR, PHASE-I, NEW DELHI-110091

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

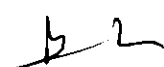
9. Easy Service Tax Online Dot Com Pvt.Ltd.407A, Iscon Mall, Above Star India Bazar, Satellite Road,
Ahmedabad-15

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 : 20.9.2011

**Excise Stay No. 3621 of 2010 and Excise Appeal No. 3805 of
2010**

[Arising out of Order-in-Original No. CCE/Adj/TVS/8/2000 dated 26.5.2010 passed by the Commissioner, Central Excise, New Delhi]

Coram:

Hon'ble Shri D.N. Panda, Judicial Member

Hon'ble Shri Mathew John, Technical Member

1.	Whether Press Reporter may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	
2.	Whether it would 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 Department Authorities?	

Major S.C. Malhotra (Retd.)
Prop.- M/s J.S. Tobacco Agencies Ltd. & M/s
Jyoti Super Sales

Appellant

Vs.

CCE, New Delhi

Respondent

Appearance:

Appeared for Appellant : Ms. Sujata Shirolkar,, Advocate
Appeared for Respondent : Shri Sumit Kumar, DR

Coram:

Hon'ble Shri D.N. Panda, Judicial Member

Hon'ble Shri Mathew John, Technical Member

STAY order No. 995/2011-EX
FINAL Order No. 538/2011-EX.....dated.....

Per D.N. Panda :

Ld. Counsel mentions that the present appellant was also a party in the batch of Appeals before the Tribunal in the case of M/s

Golden Tobacco Ltd. & Others in Appeal Case No. E/3770/2010 and other Appeals. But this appeal was detached ^{from} the batch of appeal which was disposed of by a Final Order No.347-359 & 359-A/2011 dated 21.4.2011 remanding the matter for de novo adjudication.

2. Shri Asthana, Id. Advocate who appeared in the batch of appeals explains that the principal Appeal has ~~gone back~~ ^{and} the consequence of this appeal may be governed by that de novo Adjudication.

3. Both sides agree to this proposition aforesaid. In view of the above, the stay application is disposed of as infructuous and the appeal itself is remanded to the Adjudicating Authority who ^{shall} pass appropriate order in de novo adjudication while ^{order in} the batch of appeals as aforesaid are disposed of in the remand proceeding.

(Dictated & pronounced in open Court)

(D.N. Panda)
Judicial Member

(~~Mathew John~~)
Technical Member

RM