

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

Appeal No. E/2052/2009-2053/2009 - EX[DB] WITH
E/M/5322010 & E/S/2128-2131&2138/2009-EX

Date 07/10/2011

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

To :
M/S D.P.GARG & CO.
C-5, SECTOR-3, NOIDA (U.P.)
M/S D.P.GARG & CO.

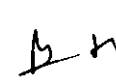
Appellant

Vs
Respondent

C.C.E. NOIDA

MISC ORDER NO. 502/2011-EX
STAY ORDER NO. 1025-1029/2011-EX

I am directed to transmit herewith a certified copy of Final order No.846-850/ 2011 EX[DB] dated 29-9-11
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(Excise Appeal Branch)

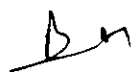
Copy to :

1. Respondent
C.C.E. NOIDA
C-56/42, SECTOR-62, NOIDA-
201307

2. Adv. / Consult
MR.ASHOK DHINGRA, ADVOCATE
SANSTONE CREST, OPP.PARK PLAZA HOTEL, SUSHANT LOK, PH-I, GURGAON-
122009.

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

14. SH. S. M. GARG, PARTNER OF
M/S D.P.GARG & CO. C-5,
SECTOR-3, NOIDA (U.P.)


Assistant Registrar
(Excise Appeal Branch)

15. M/S. GARG INDUSTRIES,
B-18, SECTOR-3, NOIDA-UP

17. M/S. KRISHAN KUMAR,
OTPC COLONY,
FARIDABAD

18. MS. SMITA SINGH, ADV.,
J. SAGAR ASSOCIATES
SANSTONE CREST, OPP. PARK PLAZA HOTEL
SUSHANT LOK, PH.-I, GURGAON - 9

16. SH. B. M. GARG,

**CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL,
West Block No. 2, R.K. Puram, NEW DELHI**

COURT No. II

Misc. Application No.532 of 2010 and
**Stay Application No.2128 to 2131 & 2138 of 2009 and
Excise Appeal No.2052 to 2055 & 2057 of 2009**

Date of Hearing / Decision : 15.09.2011.

Mr. D.P.Garg
Mr. B.M.Garg
Mr. S.M.Garg
M/s Garg Industries
Mr. Krishan Kumar

Appellants

Versus

CCE, Noida

Respondent

Coram: Hon'ble Mr. D.N.Panda, Judicial Member
Hon'ble Mr. Mathew John, Technical Member

Present for the Appellant – Shri Ashok Dhingra, Adv. &
Ms. Smita Singh, Adv.

Present for Respondent – Shri K.P.Singh, DR

MISC order No. 502-12011-EX
STAY order No. 1025-1029/2011-EX
FINAL Order No. 846-850/2011-EX Dated : _____

Per D.N. Panda:

Ld. Counsel submits that Hon'ble Supreme Court in terms of order dated 19.8.2011 in SLP(C) No.1269/2010 has recorded that since Order-In-Original dated 30.3.2009 is being withdrawn, practically nothing survives in this case. Ld. Counsel further submits that withdrawal of the order has been made by the adjudicating authority in terms of order No.IV-CE(9)CP/66/2006/Pt.B/1244-1252, dated 14.9.2011 and also order No.IV-CE(9)/66/2006/Pt-A/1238-1243, dated 14.9.2011.

When such is the averment, no appeal survives before Tribunal. Accordingly those have become infructuous. So also the Stay Applications come to an end. Misc. Application is also disposed accordingly. Consequently, Misc. Application, all five stay application and five appeals are disposed in the above manner.

(Dictated and pronounced in the Open Court)

(D.N.Panda)
Judicial Member

(Mathew John)
Technical Member

RK-I