

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

Appeal No. E/2132/2011,2153/2011 - EX[DB]
E/S/2806&2853/2011-EX

Date 17/02/2012

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

To :
M/S RAJ SHREE TIN PRINTERS,
MR. SATISH KISHORE CHAURASIA, 242/1-B,
KARAWAL NAGAR, DELHI.
110094

M/S RAJ SHREE TIN PRINTERS,

Appellant

Vs

Respondent

C.C.E. DELHI II

STAY ORDER NO. 287-288/2012-EX

I am directed to transmit herewith a certified copy of **Final order No. A/180-181/ 2012 EX[DB]** dated 15-2-12
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 II
C.R. BUILDING, I.P. ESTATE, NEW
DELHI 110002

2. Adv. / Consult *SH. MANISH, ADV., C/D*
MR.KHAITAN & CO

12TH FLOOR, 1105-1106, ASHOKA ESTATE 24,
BARAKHAMBA ROAD,
CONNAUGHT PLACE N.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-3

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

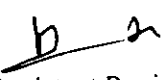
10. LAWCRUX Advisors Pvt Ltd, LAW House, 1-8, Sector - 10, Faridabad 121003 (Haryana)

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. M/S GOPAL TIN WORKS,
MRS SHARDA RANI, 601/2, SHERPUR CHOWK,
BIHARIPUR. DELHI.


Assistant Registrar
(Excise Appeal Branch)

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

Date of Hearing : 10.2.2012

**Excise Stay No. 2806 & 2839 of 2011 & Excise Appeal No.
2132 & 2153 of 2011**

[Arising out of the common Order-in-Original No. 05/2010 dated 29th October, 2010 passed by the Commissioner, Central Excise, New Delhi]

Coram:

Hon'ble Ms. Archana Wadhwa, Member (Judicial)
Hon'ble Shri 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?	No
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 Whether their Lordships wish to see the fair copy of the order?	Seen
4.	Whether order is to be circulated to the Department Authorities?	Yes

M/s Raj Shree Tin Printers
M/s Gopal Tin Works

Appellants

Vs.

CCE, New Delhi

Respondent

Appearance:

Appeared for Appellant : Shri Manish, Advocate
Appeared for Respondent : Ms. R. Jagdave, A.R.

CORAM: Hon'ble Ms. Archana Wadhwa, Member (Judicial)
Hon'ble Shri Mathew John, Member (Technical)

STAY Order No. 287-288/2012-EX (BR)²
FINAL Order No. A/180-181/2012-EX (BR) dated.....

Per Archana Wadhwa:

After dispensing with the condition of pre-deposit of penalties of Rs.50 lakhs each imposed upon applicant, we proceed to decide the appeal itself inasmuch as we find that the same impugned order stands set aside by the earlier order of the Tribunal and matter stands remanded to the original adjudicating authority for de novo consideration, in the light of observation made therein.

2. Vide Final Order No. 864-869/2011-Ex. dated 26.9.2011, the appeals of the other appellants arising out of the same impugned order-in-original No. 05/2010 dated 29.10.2010 stands remanded. Inasmuch as the impugned order already stands set aside, and the matter stands remanded to the original adjudicating authority, we, by adopting the same course of action, set aside impugned order and remand the matter for fresh adjudication along with the earlier remanded matter and in the

light of observations made in the earlier order referred supra. Stay petition as also appeals get disposed of in the above manner.

(Dictated & pronounced in open Court)

(Archana Wadhwa)
Member (Judicial)

(Mathew John)
Member (Technical)

RM