

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

Appeal No. E/1248/2010 - EX[DB]

Date 07/02/2012

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

To :
M/S. NAVEEN TRAVELITE
10759, JHANDI WALAN ROAD, NABI KARIM, NEW
DELHI.
M/S. NAVEEN TRAVELITE

Appellant
Vs
Respondent

C.C.E. DELHI I

2012 EX[DB] dated 02-2-12

I am directed to transmit herewith a certified copy of **Final order No. A/119/**
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 I
C.R. BUILDING, I.P. ESTATE, NEW
DELHI 110002

2. Adv. / Consult
MRS. JAINA & ASSOCIATES
84, DARYA GANJ, 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-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


Assistant Registrar
(Excise Appeal Branch)

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL, NEW DELHI, PRINCIPAL BENCH NEW DELHI

Date of Hearing: 31.01.2011

Date of decision: 31.01.2011

Excise Appeal No. 1248 of 2010

[Arising out of Order-in-Appeal No. 58/CE/DLH/2010 dated 11.3.2010
passed by the Commissioner of Central Excise (Appeals), New Delhi]

Naveen Travelite

Appellant

Vs.

CCE, Delhi-I

Respondent

For approval and signature:

Hon'ble Smt. Archana Wadhwa, Member (Judicial)

Hon'ble Shri Rakesh Kumar, Member (Technical)

1. Whether Press Reporters may be allowed to see CESTAT (Procedure) Rules, 1982.	No
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

Appearance: Rep. by Shri Naveen Wadhwa, Proprietor for the appellant.

Rep. by Shri I. Beg, DR for the respondent.

CORAM: Hon'ble Smt. Archana Wadhwa, Member (Judicial)
 Hon'ble Shri Rakesh Kumar, Member (Technical)

FINAL Order No. *A/119/2012-EX... (CBR)* Dated: 31.01.12

Per Archana Wadhwa:

Vide Stay Order No.922 of 2011-Excise dated 6.9.2011, the appellant was directed to deposit the entire amount of duty of Rs.3,22,327/-.

2. The said stay order was challenged by the appellant before the High Court of Delhi by way of filing ^a writ petition. The said writ petition was disposed of by the Hon'ble High Court vide their order dated 1.11.2011. The appellant was directed to deposit the entire duty amount in three equal instalments, with the first instalment required to be paid on or before 10.12.2011 and the last instalment to be paid on or before 10.02.2012.
3. The said order of the High Court was put to challenge before the Supreme Court of India, who declined to interfere in the order. However, vide their order dated 9.12.2011, the time to deposit the first instalment was extended by a further period of one week.
4. On matter being called today for ascertaining compliance with the above order, it is seen that the appellant has not deposited even a single penny. The appellant appearing in person reiterates the grounds of his poor financial condition.

5. However, we find that the issue has travelled right upto the Hon'ble Supreme Court. The order of the Tribunal directing the applicant to deposit the entire duty amount do not stand interfered. Inasmuch as the appellant has not deposited the amount in question in terms of the order of the Hon'ble Supreme Court, We find that the appeal is liable to be dismissed for non-compliance. We order accordingly.

[order dictated & pronounced in open court]

(~~Archana~~ Archana Wadhwa)
Member (Judicial)

(Rakesh Kumar)
Member (Technical)

Ckp.