

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

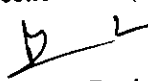
Dated: 06/11/2012

To

1. Appellant as per address in table below
2. Respondent as per address in table below

Final Order No. A/1298-1299/2012-EX[DB] dated 29/10/2012

I am directed to transmit herewith a certified copy of order passed by the Tribunal under section 35-C(1) of the Central Excise and Salt Act, 1944.


Assistant Registrar
EXCISE Appeal Branch

S.No	Application	Appeal	Name and Address of Appellant	Name and Address of Respondent
1.	E/2930/2010. E/2931/2010		SH. RITESH AJMERA, DIRECTOR OF M/S MAYURI HEENA HERBAL PVT. LTD. 62-UDYOG PURI, INDUSTRIAL AREA, AGAR ROAD, UJJAIN (M.P.)	C.C.E. INDORE Manik Bagh Palace, Post Box No. 10, Indore 452001 (M.P.)

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2. Other Appellants and Respondents as per Annexure

Copy To

1. Advocate(s) / Consultant(s): **SH. C. H. SHANKAR, ADV,
16, BANK ENCLAVE,
DELHI-92**

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2. Bar Association, CESTAT, Delhi
3. Director Publications, Customs, Excise. I.P. Estate, Delhi
4. M/s Centax Publications Pvt. Ltd., 1512-B, Bhishm Pitamah Marg, New Delhi-3
5. Company Law Institute of India Pvt. Ltd., No.2 (old no.36), Vaithyaram Street, T. Nagar, Chennai-17
6. Taxmann Allied Service Pvt. Ltd., 59/32, New Rohtak Road, New Delhi-110005
7. Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Iscon Mall, Satellite Road, Ahmedabad-15
8. LAWCRUX Advisors Pvt. Ltd., LAW House, 1-8, Sector-10, Faridabad 121003 (Haryana)
9. TaxIndiaOnline.com Pvt. Ltd., 2nd Floor, Vasant Arcade, Vasant Kunj, New Delhi - 110070
10. Mark Professional Services Pvt. Ltd., 108, Everest Block, Aditya Enclave, Ameer Pet, Hyderabad - 500038
11. C.D.R
12. Office Copy
13. Guard File


Assistant Registrar
EXCISE Appeal Branch

**14. MAYURI HEENA HERBAL PVT.
LTD.
62-UDYOG PURI, INDUSTRIAL
AREA, AGAR ROAD, UJJAIN (M.P.)**

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
COURT NO. 1

Appeal No. E / 2930-2931 / 2010

Date of Hearing : 29/10/2012

[Arising out of Order-in-Original No. 13/Commr/Cex/IND/2010 dated 30.4.2010 passed by the Commissioner of Central Excise Customs and Service Tax, Indore]

For approval and signature:

Hon'ble Ms. Archana Wadhwa, Member (Judicial)
Hon'ble Mr. Rakesh Kumar, Member (Technical)

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| 1. Whether Press Reporters may be allowed to see :
the Order for publication as per Rule 27 of the
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? | Seen |
| 4. Whether Order is to be circulated to the :
Departmental authorities? | Yes. |
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MAYURI HEENA HERBAL PVT. LTD.
SHRI RITESH AJMERA, DIRECTOR

Applicant

Vs

C.C.E. INDORE

Respondent

Present for the Appellant : None

Present for the Respondent : Shri AR

CORAM:

Hon'ble Ms. Archana Wadhwa, Member (Judicial)
 Hon'ble Mr. Rakesh Kumar, Member (Technical)

FINAL **ORAL ORDER NO. A/1288-1289/2012-Bc(BR)**

Per Archana Wadhwa (for the Bench):

Vide Stay order No. C/369-370/12-Ex(Br) dated 24.2.2012, the appellants was directed to deposit an amount of Rs.2.50 crores within a period of 12 weeks from that date. Subsequently, the appellants filed a modification application which was also disposed of by the Tribunal vide its order No. 820/2012 dated 17.7.2012. The directions to deposit Rs.2.50 crores were converted into deposit in 5 equal instalments of Rs.50 lakhs each. First instalment of Rs.50,00,000/- was to be made on 1.8.2012 and thereafter the balance instalments were required to be made between 1st and 5th of next months.

2. Subsequently, when the matter came up for ascertaining compliance with the above order, the appellants did not cause appearance and the matter was adjourned on 3.8.2012 to, 12.9.2012. On 12.9.2012, the appellant again did not appear and the Bench took note of letter filed by them submitting that an appeal stand filed against the order of pre-deposit which is likely to be listed shortly. Accordingly,

the period to make deposit was extended by 4 weeks and matter was listed for today to ascertain compliance.

3. On matter being called today for ascertaining compliance with the above orders, it is seen that there is no compliance on record. Nobody has caused appearance and no documents indicating filing of appeal before High Court ~~against~~ or outcome of appeal, if any, stand placed by the appellant. It is also noted that advocate of appellant Shri C. Harishankar vide his letter dated 10.9.2012 has withdrawn his vakalatnama from the records.

4. Inasmuch as the appellants have not deposited the directed amount even within the extended period and as there is no order of Hon'ble High Court staying the said deposit, we dismiss the appeal for non-compliance with the provisions of Section 35F read with stay order referred supra.

(Pronounced in the open Court)

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

(Rakesh Kumar)
Member(Technical)