

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

Appeal No. E/1599/2009-1600/2009 - EX[DB]

Date 24/05/2012

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

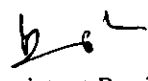
To :
M/S NEK ELECTRONICS LTD.
J-905, RIICO INDUSTRIAL AREA, PHASE-III,
BHIWADI.
M/S NEK ELECTRONICS LTD.

Appellant

Vs
Respondent

C.C.E. JAIPUR I

I am directed to transmit herewith a certified copy of **Final order No.A/619-620** 2012 **EX[DB]** dated 23/5/2012
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. JAIPUR I
N.C.R.BUILDING, STATUE
CIRCLE, "C" SCHEME, JAIPUR
302005.
2. Adv. / Consult
MR.NAVEEN MULLICK,ADV
B-388, MEERA BAGH, 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. SHRI P.V.KHULLAR, DIRECTOR
M/S NEK ELECTRONICS LTD. J-905, RIICO INDL. AREA, PHASE-III, BHIWADI.



CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.II, R.K. PURAM, NEW DELHI-110066.

Court No.1

Excise Appeal No.1599-1600 of 2009

(Arising out of Order-in-Original No.09/2009/CE Commissioner
dt.17.2.09 passed by the CCE & C, Jaipur)

Date of Hearing/Decision: 23.05.2012

For approval and signature:

Hon'ble Mr.Justice Ajit Bharihoke, President

Hon'ble Mr.Rakesh Kumar, Member (Technical)

1	Whether Press Reporters may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?	
2	Whether it should 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 Departmental authorities?	

Nek Electronics Limited
Shri P.V.Khullar

Appellants

Vs.

CCE & C, Jaipur-I

Respondent

Present: Shri Naveen Mullick, Advocate for the Appellant
Present Shri Nagesh Pathak, AR for department

Coram: Hon'ble Mr. Justice Ajit Bharihoke, President
Hon'ble Mr.Rakesh Kumar, Member (Technical)

FINAL ORDER No. A/619-620/2012-EX(BR)

As per report of the Registrar dt.17.02.2012, the appellant have not furnished any evidence of compliance of Stay Order No.1645-1646/2011-Ex dt.14.12.2011 whereby the appellants were directed to deposit a sum of Rs.15 lakhs within eight weeks as pre condition to waive remaining amount of duty and penalty and hearing of the appeals.

2. Shri Naveen Mullick, learned Advocate for the appellants submits that he has no instruction from the party informing deposit of the amount.

3. Shri Nagesh Pathak, learned AR for the department states that the amount has not been deposited by the appellants which amounts to non compliance of section 35F of Central Excise Act, 1944, as such appeal cannot be heard. Thus, he presses for dismissal of the appeal.

4. Since the appellants have not complied with section 35F of Central Excise Act, 1944, we are left no alternative but to reject the appeals.

(Justice Ajit Bharihoke)
President

(Rakesh Kumar)
Member (Technical)

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