

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

STAY Application No. : E/Stay/536/2012
Appeal No. : E/489/2012-EX[DB]

Dated: 16/08/2012

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

To,

**HINDUSTHAN VIDYUT PRODUCTS
LTD.**

**INDUSTRIAL AREA, P.O. BIRLA
NAGAR, GWALIOR (M.P.)**

HINDUSTHAN VIDYUT PRODUCTS LTD.

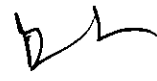
(Appellant)

VS

(Respondent)

C.C.E. INDORE

I am directed to transmit herewith a certified copy of Final Order No. **A/909/2012-EX[DB]**, Stay Order No. **SO/1227/2012** dated **02/08/2012** passed by the Tribunal under section **35-C(1)** of the **Central Excise and Salt Act, 1944**.


Assistant Registrar
EXCISE Appeal Branch

Copy To,

1. Respondent

C.C.E. INDORE

**Manik Bagh Palace, Post Box No. 10,
Indore 452001 (M.P.)**

2. Advocate(s) / Consultant(s):

V. Laxmikumaran

**5, Jangpura Extension, Link Road, New
Delhi-110014**

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. Gaurd File


Assistant Registrar
EXCISE Appeal Branch

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

Excise Stay Application No.E/S/536/12
In Excise Appeal No.E/489/12

[Arising out of Order-in-Original No.43/COMMR/CEX/IND/2011
dated 22.11.2011 passed by the Commissioner of Central
Excise, Customs & Service Tax, Indore].

Hindustan Vdyut Products

...Appellant

Vs.

CCE, Indore

... Respondent

Present for the Appellant : Sh.B.L.Narasimhan, Advocate
Present for the Respondent: Shri.I.Baig, DR

Coram: Hon'ble Mr.D.N.Panda, Judicial Member
Hon'ble Mr. Rakesh Kumar, Technical Member

Date of Hearing/Decision: 02.08.2012

STAY ORDER No 1227/2012-Ex(BM)
FINAL ORDER NO. 1/909/2012-Ex(BM) **DATED: _____**

PER: D.N.PANDA

Ld. Counsel submits that all the accompanying documents in the paper book shall decide fate of the case. We have perused the record. We do not find availability of such document before the learned adjudicating authority. Looking to the quantum of demand of Rs.1,76,84,515/-, we consider that mere passing of an interim order shall not serve the purpose of justice since the evidence relied upon needs to be considered at grass root level. Therefore, at the interest of justice the matter should go back to the Id. Adjudicating

Authority along with copy of paper book to be submitted by Id. Counsel to the Id. DR within a week for sending the same to the Id. Adjudicating authority for re-examination of the issue. Within 4 weeks of receipt of this order. the appellant shall file an application with the authority for fixing the date of hearing. If such an application is made, the authority shall fix the hearing and dispose the matter as expeditiously as possible.

2. In the result, stay application is disposed as well as the appeal disposed in the manner indicated above.

[Dictated & Pronounced in the open Court].

(D.N.PANDA)
JUDICIAL MEMBER

(RAKESH KUMAR)
TECHNICAL MEMBER

Anita