

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

Appeal No. : E/2722/2011-EX[DB]

Dated: 29/06/2012

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

SAVITON METPLAST (P)LTD
Plot No 14, Sector-6, IMT Manesar,
Gurgaon(HR)

SAVITON METPLAST (P)LTD

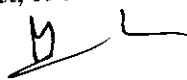
(Appellant)

VS

(Respondent)

C.C.E. DELHI III

I am directed to transmit herewith a certified copy of Final Order No. A/741/2012-EX[DB] dated 28/06/2012 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. DELHI III

Udyog Minar, Udyog Vihar, Vanijya
Nikunj, Phase V, Gurgaon - 122016
(Haryana)

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

Bhasin sethi & associate
401, Satyam Cinema Building, Ranjeet
Nagar, 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

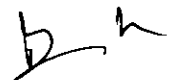
9. Easy Service Tax Online Dot Com Pvt. Ltd., 407A, Iscon Mall, Above Star India Bazar, Satellite Road,
Ahmedabad-15

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. Gaurd File


Assistant Registrar
EXCISE Appeal Branch

**CUSTOMS EXCISE & SERVICE TAX
APPELLATE TRIBUNAL,**

West Block No.2, R.K.Puram, New Delhi

COURT-I

Date of hearing/decision: 28.6.2012

Central Excise Appeal No.2722 of 2004

Arising out of the order in appeal No.337/RK/GGN/2011 dated 30.8.2011 passed by Commissioner of Central Excise (Appeals), Delhi III, Gurgaon.

Hon'ble Mr. Justice Ajit Bharihoke, President
Hon'ble Mr. Rakesh Kumar, Technical Member

1	Whether Press Reporter may be allowed to see the Order for publication as per Rule 26 of the CESTAT (Procedure) Rules, 1982?	
2	Whether it should be released under Rule 26 of 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?	

Saviton Metaplast (P) Ltd.

...

Appellant

Vs.

Delhi III

..

Respondent

Present for the appellant : None

Present for the respondent : Shri R.K. Verma, A.R.

FINAL Order No. A/741/2012-Ex(CB)

Per Justice Ajit Bharihoke (Oral):

Vide Stay Order No.850/2012-Ex(BR) dated 21.5.2012, the appellant was directed to deposit the penalty of Rs.3,14,595/- within a period of four weeks as a pre-condition of hearing of appeal. As per report of the Registrar, the appellant has not complied with the direction. No one is present on behalf of the appellant nor is there any communication from the appellant seeking extension of deposit or explaining as to why the deposit has not been made. Since the

appellant has failed to comply with the order of deposit, we are constrained to reject the appeal on account of non-compliance of the provisions of Section 35F of the Central Excise Act, 1944 which provides that no appeal shall be heard unless the appellant has deposited the amount of duty demand, interest and penalty confirmed by the ^{impugned order} ~~order in appeal~~ subject to the order on stay application by the Tribunal.

2. The appeal is disposed of accordingly.

(Justice Ajit Bharihoke)
President

(Rakesh Kumar)
Technical Member

scd/