

**IN THE CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi – 110 066.**

Date of Hearing/Decision: 2.1.2017

**Appeal No. E/879-905/2012/EX.(DB)
E/918-943/2012, E/948/2012,
E/1107/2012 & E/1212/2012**

(Arising out of Order-in-Original No. 2-55/CE/PKJ/CCE/ADJ/2012 dated 31.1.2012 passed by the Commissioner of Excise (Adjudication), New Delhi)

ICICI Bank Ltd. Appellant
Bharat Bijlee Ltd. (E/1107)
Elpro Engineering (E/1212)

Vs.

CCE (Adj.), New Delhi Respondent

Appearance

Shri Sachin Chitnis, Advocate - for the appellant
Shri R.K. Manjhi, D.R. - for the respondent

**CORAM: Hon'ble Mr. Justice (Dr.) Satish Chandra, President
Hon'ble Mr. Ashok K. Arya, Member (Technical)**

Final Order No.50239-50294/2017

Per Justice Dr. Satish Chandra:

Heard Shri Sachin Chitnis, Id. Counsel for Bharat Bijlee Ltd.
None appeared on behalf of the appellants nor any adjournment request is available on record.

2. After hearing ld. Counsel, it appears that the main assessee in the instant case is M/s Triveni Engineering & Industries Ltd. who has filed the writ petition before the Hon'ble High Court of Allahabad (Writ Tax No. 480/2012) where the stay was granted vide order dated 14.5.2012 as well as dated 29.4.2016.

3. Ld. Counsel informed that the matter is still *subjudice* before the Hon'ble High Court as the Joint Secretary in the Ministry of Urban and Development has not examined the matter pertaining to the countersigning the PIA certificate as per direction. Hence, the Hon'ble High Court has observed that proceedings against the petitioner shall remain stayed. Thus, the proceeding against the main appellant-assessee has been stayed by the Hon'ble High Court (*supra*).

4. In view of the above, we grant liberty to the appellants to come again after having the final verdict of the Hon'ble High Court, within the prescribed time, if advise so.

5. With the aforesaid liberty, all the appeals are disposed of.

(Dictated & pronounced in open Court)

(Justice Dr. Satish Chandra)
President

(Ashok K. Arya)
Member (Technical)

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