

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

PRINCIPAL BENCH - COURT NO. 1

Excise Appeal No. 1268 of 2012

(Arising out of Order-in-Original No. 57-110-CE/PKJ/CCE/ADJ/2012 dated 28.02.2012 passed by the Commissioner of Central Excise, Jaipur-II)

DATE OF HEARING : 12.01.2017

DATE OF DECISION : 12.01.2017

ICICI Bank Limited

....

Appellants

(Rep by Sh. Vijendra Purohit, Adv.)

VERSUS

CCE, Delhi-I

....

Respondent

(Rep. by Sh. H.C. Saini, DR)

**CORAM : HON'BLE MR. JUSTICE (DR.) SATISH CHANDRA, PRESIDENT
HON'BLE MR. V. PADMANABHAN, MEMBER (TECHNICAL)**

FINAL ORDER NO. 50398/2017

PER JUSTICE (Dr.) SATISH CHANDRA :

Heard Shri Vijendra Purohit, learned counsel for the assessee-Appellant and Shri H.C. Saini, learned DR for the Department.

2. After hearing both sides, it appears that the assessee-Appellant is a Bank who has facilitated the transmission of the funds from America to India. The main noticee, 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 14.05.2012 as well as dated 29.04.2016.

3. The learned counsel informed that the matter is still *sub judice* 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 stayed. Thus, the proceeding against the main assessee-Appellant has been stayed by the Hon'ble High Court (*supra*).

4. In view of the above, we grant liberty to the assessee-Appellant 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, the appeal is disposed of.

(Dictated & pronounced in the open court)

(V. PADMANABHAN)
MEMBER (TECHNICAL)

(JUSTICE Dr. SATISH CHANDRA)
PRESIDENT