

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

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

COURT-III

Date of hearing: 27.07.2017

Application No. ST/ROA/51419/2015

Appeal No. ST/1805/2010-ST[DB]

M/s. Vij Construction Ltd. ... Appellant

Vs.

CCE Delhi ... Respondent

Appearance:

Present Shri Tarachand, Employee of the appellant

Present Shri Sanjay Jain, DR for the respondent

**Coram: Hon'ble Mr. S.K. Mohanty, Member (Judicial)
 Hon'ble Mr. B. Ravichandran, Member (Technical)**

MISC ORDER No. 50444/2017

Per S.K. Mohanty:

The application has filed the Miscellaneous Application with
the following prayers:

*"i) That the stay application already being filed on
16.12.2010 with Appeal no. ST/1805/2010 be treated as
Stay in the present matter also.*

*ii) That, Exhibit-3 & 4 showing deposit of Service Tax
Rs.47,56,750/- and interest of Rs.52,15,552/- be treated as
sufficient compliance.*

*iii) That, in the facts and circumstances here in set out
above, impugned order in original be stayed and pre-deposit
of service tax with penalty imposed be dispensed with*

pending decision of the appeal and that appeal be heard without such pre-deposit.”

2. On perusal of the case records, we find that the stay application filed by the appellant was decided by the Tribunal vide Stay order no. ST/745/2011 dated 25.10.2011. Since the stay application filed by the applicant has already been disposed of by the Tribunal, the above prayers made by the applicant in the Miscellaneous Application are no more required for consideration by the Tribunal. Accordingly, the Miscellaneous Application is dismissed. Appeal to come up for final hearing on 01.09.2017.

[Order Dictated and Pronounced in the open court]

(B. Ravichandran)
Member (Technical)

(S.K. Mohanty)
Member (Judicial)

Bhanu