

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

Excise Appeal No. 79 of 2011

[Arising out of Order-in-Appeal No. 333-CE/MRT -II/2010 dated 30.9.2010 passed by the Commissioner of Customs & Central Excise (Appeals) Meerut II]

**Commissioner of Central Excise
Meerut II**

Appellant

Vs.

M/s. Khatima Fibers Ltd.

Respondent

Appearance:

**Shri H C Saini, AR for the Appellants
None for the Respondent**

CORAM:

**Hon'ble Mr. Justice (Dr.) Satish Chandra, President
Hon'ble Mr. V. Padmanabhan, Member (Technical)**

Date of Hearing/ Decision: 4.09.2017

FINAL ORDER NO. 56495 /2017

Per: Justice (Dr.) Satish Chandra:

The present appeal is filed by the department against the order in
Appeal No.333-CE/MRT -II/2010 dated 30.9.2010.

2. None appeared on behalf of the respondent-assessee.

3. After hearing the learned Counsel for the department and on the basis of material available on record, it appears that the Commissioner (Appeals) has remanded the matter back for fresh adjudication. By considering the totality of facts and circumstances of the case, we find no reason to interfere with the impugned order where the matter is remanded. We also remand the matter back to the adjudicating authority with the same direction.

4. In the result, appeal filed by the department is dismissed.

(Dictated and pronounced in the open Court)

(V. Padmanabhan)
Member (Technical)

(Justice (Dr.) Satish Chandra)
President

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