

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

Date of hearing: 12.09.2017

[Arising out of the Order-in-Appeal No. 85/SM/POLICY/2016 dated 23.11.2016, passed by the Commissioner of Central Excise, New Delhi]

Vs.

C.C. New Delhi ... Respondent

Appearance:

Present Ms. Surabhi Sinha, Advocate for the appellant

Present Shri R.K. Manjhi, DR for the respondent

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

FINAL ORDER No. 56719/2017

Per Justice (Dr.) Satish Chandra:

The present appeal has been filed against the order in
Original No. 85/2016 dated 23.11.2016.

2. The Ld. Counsels submits that the appellant Shri Kamal Sehgal is a CHA license holder whose license was revoked and the appellant has filed the writ petition before the Hon'ble High Court of Delhi vide W.P.(C) 8699/2016 & CM No. 35736/2016 where the matter is still subjudice. At the same time the appellant has filed the present appeal to assail the revocation of the CHA license.

3. After hearing both the sides and on perusal of the record, it may be mentioned that the appellant cannot enjoy two remedies at two different forum. When matter is subjudice before the Hon'ble High Court then against the same point and against the same cause this Tribunal has no jurisdiction.

4. Hence, the appeal is non maintainable. In the result, appeal filed by the appellant is dismissed *in limine*.

[Dictated and Pronounced in the open court]

(V. Padmanabhan)
Technical Member

(Justice Dr. Satish Chandra)
President

Bhanu