

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

PRINCIPAL BENCH – COURT NO. – IV

Service Tax Appeal No. 52156 of 2018 [SM]

[Arising out of Order-in-Appeal No. 322 (SM)ST/JPR/2018 dated 27/04/2018
passed by the Commissioner (Appeals), Central Excise & CGST, Jaipur]

M/s.Rajputana Marbles (P) Ltd. ...Appellant

E/76-77, Parayavarn Road,
RIICO Industrial Area, Mandanganj,
Kishangarh-305801 (Rajasthan)

Vs.

**Commissioner of Customs,
CGST & Central Excise, Jaipur**

...Respondent

NCR Bldg., Statue Circle,
Jaipur

APPEARANCE:

None for the Appellant

Mr. P.R. Gupta, Authorised Representative for the Respondent

Coram: HON'BLE MR. RACHNA GUPTA, MEMBER (JUDICIAL)

FINAL ORDER No. 50644/2019

DATE OF HEARING/ DECISION: 06.05.2019

RACHNA GUPTA:

None is present on behalf of appellants. Perusal of record shows that despite the due service of notices i.e. more than thrice, the appellants have not marked the presence either in person or through representative. This is the sufficient ground to form an opinion that the appellants are no more interested in pursuing the present appeal and the continuous absence of the appellants amount to non-prosecution on their part. Therefore, I do not find any good reason for adjourning the matter in further.

2. I draw my support from the case law of Hon'ble Supreme Court in the case of **Ram Siromani Tripathi & Ors vs. State of U.P. & Ors in Civil Appeal No.9142-9144 of 2010 with Civil Appeal No. 6156 of 2012 dated 07 February, 2019**. It was held therein as:

"Mr. R.K. Ojha, learned counsel appears on behalf of the counsel for the appellants and submits that the learned counsel for the appellants is not present in the Court today. It is stated that he is out of station. This is no ground to seek adjournment. We therefore reject the request for adjournment. We have asked the learned counsel to argue the matter. He submits that he does not know anything about the case.

In these circumstances, we dismiss the appeals for non-prosecution.

We make it clear that since we have not found it to be a good ground for adjournment, under no circumstances, application for restoration shall be entertained."

3. In these circumstances, I dismiss the appeal for non-prosecution.

[Dictated and pronounced in the open Court]

(RACHNA GUPTA)
MEMBER (JUDICIAL)

Anita