

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

COURT NO. 4

Appeal No. C / 51159 / 2018

[Arising out of the Order-in-Original No. 412/2018-Commissioner Customs dated 08.02.2018 passed by Commissioner of Customs, New Delhi].

Mukesh Kumar Kumavat

Appellant

Versus

**Commissioner of Customs
(General) New Delhi**

Respondent

WITH

Appeal No. C / 51160 / 2018

[Arising out of the Order-in-Original No. 412/2018-Commissioner Customs dated 08.02.2018 passed by Commissioner of Customs, New Delhi].

Shri Rahul Chauhan

Appellant

Versus

**Commissioner of Customs
(General) New Delhi**

Respondent

Present for the Appellant : None

Present for the Respondent: Shri Sunil Kumar, AR

CORAM:

Hon'ble Mr. C L Mahar, Member (Technical)

Hon'ble Ms. Rachna Gupta, Member (Judicial)

Date of Hearing /Decision: 14.05.2019

FINAL ORDER No. 50732 /2019

Per Rachna Gupta:

None is present for the appellant. However, a written request for adjournment is on record. Perusal thereof shows that the application is a repeated effort for seeking adjournment. It is observed that the application as was filed on previous date i.e. 17.10.2018 only has been filed today with the correction / cutting, in hand, on the said application itself. The scanned copy of the application is as below:

DOH 14/05/19

CusDB

Om P. Agarwal & Co.
Chartered Accountants

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Ref:- OPAC/19-20/ Dt. 13.05.2019

Date of Hearing: : 14.05.2019

Before the : Court No. -IV- Custom Division Bench

S.N. of the cause list 14.05.2019	Name of the Appellant	Appeal No.
4	M/S Mukesh Kumar Kumawat	C/51159/2018
5	Shri Rahul Chauhan	C/51160/2018

The Hon'ble CESTAT- Court No. Custom Division Bench
R.K.Puram, New Delhi.

Sub:- Request for adjournment of hearing fixed for 17.10.2018

Respected Your Lordship,

I have come from Jodhpur to argue above appeal, but I am now feeling acute throat infection and viral fever, therefore, I am going back to Jodhpur. Under these circumstances, I would not be able to appear on 17.10.2018. Therefore, I would request your Lordship to kindly adjourn the above hearing and oblige. The inconvenience caused to your Lordship is regretted.

For M/S Mukesh Kumar Kumawat & Ors.

O.P. Agarwal

Authorised Rep./Chartered Accountant

H/C
14.5.19

Customs, Excise & Service Tax
Appellate Tribunal
13 MAY 2019
West Block No. 2, R.K. Puram,
New Delhi-110068

2. At this stage, file is perused. It is apparent that several adjournments without any cogent reason have already been availed by the appellant. Also vide order dated 29.01.2019, the written request for adjournment was reluctantly accepted by this Tribunal with the direction that no further adjournment shall be granted. Still more than six adjournments have already been obtained by the appellant, thereafter that too by filing the similar applications. The copies attached on record makes it clear that except "personal difficulty" or "being suffering from viral fever", no other

reason while praying for adjourning the matter (in any of the applications filed till date) has been mentioned.

3. These circumstances are sufficient for us to form an opinion that present appeal is nothing but a time gaining strategy of the appellant and that the appellant is not at all interested in pursuing this appeal. In addition, he is observed to have no regard for the directions of this Tribunal. We are therefore, of the firm opinion that this case deserves to be dismissed for want of prosecution. We rely upon the decision of Hon'ble Apex Court in the case of Ram Siromani Tripathi & Ors. Vs State of U P and Ors. Civil Appeal No. 9142-9144 of 2010 dated February 7, 2019.

4. Appeal stands accordingly dismissed for want of prosecution.

(Dictated and pronounced in the open Court)

(C. L. Mahar)
Member(Technical)

(Rachna Gupta)
Member(Judicial)

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