

**IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
KOLKATA**

REGIONAL BENCH – COURT NO.2

**Cus.Misc.Application (COD) Nos.77289 of 2018
&
Cus.Misc.Application Nos.76263 of 2019
&
Cus.Stay Petition No.77290 of 2018
&
Cus.Appeal Nos.78725 of 2018**

(Arising out of Order-in-Appeal No.Kol/Cus.(Port)/AA/15/2018 dated 02.01.2018
passed by Commr. (Appeals) of Customs, Kolkata)

CC (Port), Kolkata
15/1 Strand Road,
Kolkata-700001.

Applicant (s)

VERSUS

M/s Fortune Enterprises
2029, 2nd Floor,
Gali No.7,
Chuna Mandi,
Paharganj,
New Delhi-110055.

Respondent (s)

APPEARANCE :

Shri A. K. Singh, Authorized Representative for the Appellant
None for the Respondent

CORAM:

**HON'BLE MR. P.K.CHOUDHARY, MEMBER (JUDICIAL)
HON'BLE MR.P.VENKATA SUBBA RAO, MEMBER (TECHNICAL)**

**MA/SP ORDER NO.76537-76539/2019
FINAL ORDER NO.75871/2019**

DATE OF HEARING : 24.07.2019
DATE OF DECISION : 24.07.2019

PER P.K.CHOUDHARY :

The present Miscellaneous Application has been filed by the
Appellant Revenue for condonation of delay of 188 days in filing of their
Cus.Appeal No.78725 of 2018 before the Tribunal.

2. In view of the reasons as mentioned in the Misc.Application and as explained by the Id.D.R. for the Revenue, the delay in filing the appeals before the Tribunal is condoned. The Misc.Application (COD) is allowed.

3. The Appellant-Revenue has also filed Miscellaneous Application for withdrawal of their appeal in terms of litigation policy.

4. In view of the above, the Misc.Application for withdrawal of appeal, is allowed and the appeal is dismissed as withdrawn under National Litigation Policy vide Board's instruction being F.No. 390/Misc./163/2010-JC (17.12.2015) dated 17.12.2015. Stay Petition also gets disposed off.

(Dictated and pronounced in the open court)

Sd/
(P. K. Choudhary)
Member (Judicial)

Sd/
(P.V.SUBBA RAO)
Member (Technical)

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