

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

REGIONAL BENCH – COURT NO.2

Excise Appeal No.4 of 2012

(Arising out of Order-in-Appeal No.34/Kol.I/2011 dated 29.09.2011 passed by Commr.
(Appeals) of Central Excise, Kolkata)

AND

Excise Appeal No.70313 of 2013

(Arising out of Order-in-Appeal No.22/Kol.I/2012 dated 27.12.2012 passed by Commr.
(Appeals) of Central Excise, Kolkata)

M/s Kosmos Healthcare Pvt. Ltd.

4,Cossipore Road, Kolkata-700002

Applicant

VERSUS

CCEx., Kol.I

180, Shantipally, Rajdanga Main Road, Kolkata-700107

Respondent

APPEARANCE :

Shri Gourav Kamka, A.R. for the Appellant

Shri S. Mukhopadhyay, Authorized Representative for the Appellant

CORAM:

HON'BLE MR. P.K.CHOUDHARY, MEMBER (JUDICIAL)

HON'BLE MR.P.VENKATA SUBBA RAO, MEMBER (TECHNICAL)

FINAL ORDER NO...76757-76758/2019

DATE OF HEARING : 28.11.2019

DATE OF DECISION : 28.11.2019

PER P.K.CHOUDHARY :

The Ld.Authorized Representative, appearing on behalf of the appellants, prays for withdrawal of their appeals stating as follows :

(i) That the appellants have applied for settlement of Appeal Nos.E/4/2012 & E/70313/2013 against Orders-in-Appeal Nos.34/Kol.I/2011 dated 29.09.2011 & 22/Kol.I/2012 dated

Ex.Appeal Nos.4/2012 & 70313/2013

27.12.2012, filed before the CESTAT, Kolkata under the Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 ;

(ii) That the application for settlement of the aforesaid Appeal Nos.E/4/2012 & E/70313/2013 under the Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019, have been applied in Form SVLDRS-01 vide ARN No.LD3009190000016 dated 30.09.2019 ;

(iii) That the Designated Committee under Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019, has issued Form SVLDRS-03 vide SVLDRS-03 No.L061119SV300089 dated 06.11.2019 with zero amount payable ;

(iv) That the online portal under Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 requires the appellant to upload an "Upload Withdrawal Certificate" as a proof of withdrawal of appeal filed before the CESTAT.

(v) That in view of the above, the aforesaid Appeals filed before the CESTAT, Kolkata vide Appeal Nos.E/4/2012 & E/70313/2013 against Orders-in-Appeal Nos.34/Kol.I/2011 dated 29.09.2011 & 22/Kol.I/2012 dated 27.12.2012, are hereby withdrawn;

(vi) That the Hon'ble CESTAT may kindly allow withdrawal of the appeal as aforesaid and provide the appellant with a certification for the same for upload in the online portal under Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019.

2. In view of the above submissions of the appellant, the prayer for withdrawal of the appeals is allowed. Accordingly, the appeals are dismissed as withdrawn in terms of the provisions of Section 127 (6) of the Finance (No.2) Act, 2019.

Dictated and pronounced in the open Court.

(P. K. Choudhary)
Member (Judicial)

(P.V.Subba Rao)
Member (Technical)