

**IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE  
TRIBUNAL, KOLKATA  
EASTERN ZONAL BENCH : KOLKATA**

REGIONAL BENCH - COURT NO.2

**Service Tax Miscellaneous Application No.75836 of 2018 (COD)**  
(On behalf of Appellant)

**AND**

**Service Tax Appeal No.76714 of 2018**

(Arising out of Order-in-Appeal No.19/ST/RKL-GST/2017 dated 30.10.2017 passed by Commissioner of CGST, CX & Customs, Bhubaneswar.)

**M/s. B.K.Coalfields Private Limited**

(Mrinal Colony, Near Railway Weigh Bridge,  
Sundara Basti, Barbil-758035, Dist-Keonjhar (Odisha).)

**...Appellant**

VERSUS

**Commissioner of Central Excise & Service Tax, Rourkela**

**.....Respondent**

(Nayabazar, Rourkela-769010 (Odisha).)

**APPEARANCE**

NONE for the Appellant (s)

Shri S.S.Chattopadhyay, Authorized Representative

**CORAM: HON'BLE SHRI P.K.CHOUDHARY, MEMBER(JUDICIAL)**

**MISCELLANEOUS ORDER NO. 75078/2020**

**FINAL ORDER NO. 75115/2020**

DATE OF HEARING : 23 January 2020

DATE OF DECISION : 23 January 2020

**P.K.CHOUDHARY :**

The appellant filed this appeal on 23.05.2018. A Defect Memo was issued on the very same day showing following defects :-

“5. Appeal fee of Rs.5,000/- is payable. But Appeal fees deposited is short by Rs.4,000/-. DD shall be drawn in favour of ASSISTANT REGISTRAR, CESTAT, EZB, KOLKATA for the balance amount.

17. to submit fresh copy of Order-in-Appeal.

18. to submit authority of authorized signatory with seal.”

2. I observe that the appellants have not cared to comply with the Defect Memo till date. Accordingly the appeal is dismissed for non-compliance of the Defect Memo. However, the appellants are given liberty to apply for restoration of appeal once all the defects as pointed out in the Defect Memo are complied with.

Appeal is dismissed in the above terms. Miscellaneous Application for COD also gets disposed of.

(Dictated and pronounced in the open Court.)

SD/  
**(P.K.CHOUDHARY)**  
**MEMBER (JUDICIAL)**

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