

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

REGIONAL BENCH – COURT NO.2

**Excise Appeal No. 76907 of 2016**

(Arising out of Order-in-Original No. BSR-EXCUS-002-COM-10-16-17 dated 28/09/2016 (Date of issue 13/10/2016) passed by Commissioner of Central Excise, Customs & Service Tax, Bhubaneswar-II)

**Sree Metaliks Limited**

(SML House, Main Road, Barbil  
Keonjhar, Odisha, 758019)

**Appellant**

*VERSUS*

**Commr. of Central Excise, Customs & Service Tax, Bhubaneswar-II**

(C. R. Building, Rajaswa Vihar, Bhubaneswar, Odisha-751007)

**Respondent**

**APPEARANCE :**

Shri B. K. Mohanty, Authorized Representative for the Appellant

Mr. P. Das, Authorized Representative for the Respondent

**CORAM:**

**HON'BLE MR. R. MURALIDHAR, MEMBER (JUDICIAL)**

**HON'BLE MR. RAJEEV TANDON, MEMBER (TECHNICAL)**

**FINAL ORDER NO.76343/2025**

Date of Hearing : 15<sup>th</sup> May 2025

Date of Decision : 15<sup>th</sup> May 2025

**PER RAJEEV TANDON**

Today, when the matter was called, Shri B. K. Mohanty, Authorized Representative appeared on behalf of the assessee/appellant and submitted that the assessee vide BIFR Order dated 18.11.14 in Appeal No. 31/2014, was permitted to be registered u/s 15(1) of SICA, 1965. Thereafter, the appellants moved NCLT which petition was admitted and an Interim Resolution Professional appointed. As per order dated 7 November 2017 Resolution Plan submitted by the RP was approved by NCLT in terms of Section 31 of Insolvency & Bankruptcy Code, 2016, binding on all Corporate Debtors, employees, members, creditors and other stake holders.

2. The Resolution Plan provides that all debts of the company would be fully and finally settled, upon due compliance with the payment schedules, stipulated therein.

3. Taking note of the fact that the NCLT has approved the Resolution Plan in the insolvency proceedings with regard to the appellant, we are

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of the view that no grounds now remain or exist for the survival of the appeal and it abates. Accordingly, the Appeal filed is dismissed as infructuous, as it abates in terms of Rule 22 of CESTAT (Procedure) Rules, 1982.

(Dictated and pronounced in the open court.)

Sd/-

**(R. Muralidhar)**  
**Member (Judicial)**

Sd/-

**(Rajeev Tandon)**  
**Member (Technical)**

Pooja