

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL, WEST ZONAL BENCH AT MUMBAI**

REGIONAL BENCH - COURT NO. 02

Customs Appeal No. 86058 of 2019

(Arising out of Order-in-Appeal No. MUM-CUSTOM-PREV-APP-211&2012/18-19, dated 29.06.2018 passed by Commissioner of Customs (Appeals), Mumbai-III)

M/s A J Coal Pvt. Ltd.

24A, Coal Dept, Sewree (East),
Mumbai-400015

.....Appellant

VERSUS

**Commissioner of Customs,
Mumbai (Prev.)**

2nd Floor, Everest House, 100,
Marine Lines (West), Mumbai-400002

.....Respondent

Appearance:

None for the Appellant

Shri Ramesh Kumar, Authorized Representative for the Respondent

CORAM:

HON'BLE MR. S.K. MOHANTY, MEMBER (JUDICIAL)

HON'BLE MR. P. ANJANI KUMAR, MEMBER (TECHNICAL)

FINAL ORDER NO. A/86816 / 2019

Date of Hearing: 04.09.2019

Date of Decision: 04.09.2019

Per: S.K. MOHANTY

None appeared for the applicant. Heard learned AR for Revenue.

2. Today the matter is listed for reporting compliance as per the directions contained in the Misc. Order No. M/85609/2019 dated 31.07.2019 passed by this Tribunal. The relevant paragraphs in the said order are extracted herein below:

“6. In the interest of justice, we allow the application for condonation of delay of 144 days in filing the appeal, subject to the appellant depositing a sum of Rs.5.000/- with Prime Minister Relief Fund, within a period of one month from today and report compliance on 04.09.2019. On showing such compliance, the delay in filing the appeal will be condoned and the appeal may be taken up for regular hearing.

7. In case of any failure or any lapse on the part of the appellant to comply with this order, the appeal shall stand dismissed without any further notice.”

3. We find that the direction contained in the order dated 31.07.2019 has not been complied with by the applicant. In view of the fact that the appellant did not deposit the amount directed by the Tribunal, we are of the considered opinion that the prayer made for condonation of delay cannot be considered by the Tribunal. Accordingly, both the miscellaneous application as well as the appeal filed by the applicant is dismissed.

(Dictated and pronounced in the open court)

(S.K.Mohanty)
Member (Judicial)

(P. Anjani Kumar)
Member (Technical)