

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE
TRIBUNAL, MUMBAI**

REGIONAL BENCH - COURT NO. I

ST Miscellaneous Application (COD) No.85172 of 2019
(on behalf of Appellant/Respondent)

In

ST Appeal No.85467 of 2019

(Arising out of Order-in-Appeal No.NGP-II/PPL/148/17-18 dated 28.06.2018 passed by the Commissioner of CGST & Central Excise, Nagpur-II)

M/s Varroc Polymers Pvt.Ltd.

.... Appellant

GAT No.390, Takwe Budruk Tal Maval
PUNE-412106

Versus

**Commissioner of Central Excise & ST
Pune-I**

.... Respondent

41-A, ICE House, Sassoon Road
Opp: Wadia College
Pune-411001

Appearance:

None for the Appellant

Shri Dharmendra Singh, Supdt., Authorized Representative for the Respondent

CORAM:

HON'BLE DR. D.M. MISRA, MEMBER (JUDICIAL)

FINAL ORDER NO. A/85176/2020

Date of Hearing: 09.01.2020

Date of Decision: 09.01.2020

Per: Dr. D.M. Misra

The learned AR submits that the matter has been listed on several occasions viz. 28/05/2019, 28/06/2019, 16/07/2019, 24/7/2019, 26/8/2019, 18/10/2019, 30/10/2019 and today i.e. 09/01/2020. The Ld.AR for the Revenue submits that further adjournment will not yield any results in the

matter. Consequently the application has been taken up for disposal.

2. Learned AR for the Revenue submits that another application seeking condonation of delay on the same ground earlier was dismissed by the Division Bench of this Tribunal vide order M/85195/2019 dated 03/01/2019. He submits that the present application also deserves to be dismissed.

3. I find force in the contention of the learned AR. The Division Bench of this Tribunal vide its order dated 03/01/2019 taking note of the explanation similar to the present application, dismissed their application seeking condonation of delay of 54 days. I find that in the present appeal, delay is of 42 days and the explanation furnished is identical to the explanation submitted to the Tribunal earlier.

4. Consequently, following the order of Division Bench, the present miscellaneous application also deserves to be dismissed. The miscellaneous application is dismissed and the appeal is also dismissed.

(Dictated and pronounced in open court)

(Dr. D.M. Misra)
Member (Judicial)