

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

WEST ZONAL BENCH

MISCELLANEOUS APPLICATION NO: 86249 OF 2019

(on behalf of appellant)

IN

EXCISE APPEAL NO: 85216 OF 2017

[Arising out of Order-in-Appeal No: NGP/EXCUS/000/APPL/257-260/16-17
dated 22nd September 2016 passed by the Commissioner of Customs, Central
Excise & Service Tax (Appeals), Nagpur.]

Commissioner of Customs, Central Excise & Service Tax

Wardha

Kendriya Utpat Shulk Bhavan, Telangkhedi Road

Civil Lines, Nagpur – 440 001

... Appellant

versus

Vinar Ispat Ltd

Plot No. B-31 MIDC, Ghuggus Road

Dist: Chandrapur

...Respondent

APPEARANCE:

Shri SK Hatangadi, Assistant Commissioner (AR) with Shri NN Prabhudesai,
Superintendent (AR) for the appellant

None for the respondent

CORAM:

HON'BLE MR C J MATHEW, MEMBER (TECHNICAL)

HON'BLE DR SUVENDU KUMAR PATI, MEMBER (JUDICIAL)

FINAL ORDER NO: A/85863 / 2020

DATE OF HEARING:

31/01/2020

DATE OF DECISION:

31/01/2020

PER: C J MATHEW

This appeal has been filed by Revenue against order-in-appeal no. NGP/EXCUS/000/APPL/257-260/16-17 dated 22nd September 2016 of Commissioner of Customs, Central Excise & Service Tax (Appeals), Nagpur which set aside the order of the original authority for recovery of duty of ₹ 29,26,054 under section 11A of Central Excise Act, 1944, along with applicable interest under section 11AB of Central Excise Act, 1944, besides imposing penalty of like amount under section 11AC of Central Excise Act, 1944.

2. Miscellaneous application is been filed by the appellant-Principal Commissioner of CGST and Central Excise seeking withdrawal of the said appeal in view of monetary limit prescribed as threshold for litigation in instruction no. 390/Misc/116/2017-JC dated 22nd August 2019 which has been made applicable also to all appeals that are pending.

3. We have heard Learned Authorised Representative. None appeared for the respondent.

4. The miscellaneous application is allowed. Accordingly, the appeal of Revenue is dismissed as withdrawn.

(Pronounced in open court)

(Dr. Suvendu Kumar Pati)
Member (Judicial)

(C J Mathew)
Member (Technical)