

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

Customs Appeal No. 87483 of 2013

(Arising out of Order-in- Appeal No. 238 (Gr.II A-F) 2013/JNCH/IMP-178 dated 20.03.2013 passed by the Commissioner of Customs (Appeals), Mumbai II)

M/s. Diamond Chemicals
140/90-A(18) Sanjay Nagar,
Wajidpur, Jajmau, Kanpur

.....Appellant

Vs.

Commissioner of Customs (Import),
Jawaharlal Nehru Customs House,
Mumbai

.....Respondent

APPEARANCE:

None for the appellant
Shri Mohd. Shamshad Alam, (AR) for the respondent

CORAM:

Hon'ble Mr. Sanjiv Srivastava, Member (Technical)
Hon'ble Dr. Suvendu Kumar Pati, Member (Judicial)

FINAL ORDER No: A/86070 / 2021

DATE OF HEARING : 31-03-2021
DATE OF DECISION : 31-03-2021

PER: BENCH

None appeared for the appellant.

2. The matter has been listed on number of occasions in the past i.e. 20.10.2019, 02.12.2019, 21.01.2020, 13.02.2020 and 11.03.2021. However, on all occasions, it was adjourned as appellant was not represented during the course of hearing.

3. On 11th March 2021, bench has recorded as following while adjourning the matter for today

*"None appeared for the appellant despite notice issued
on 3rd March 2021.*

2. *Learned Authorised Representative for Revenue has submitted that on previous occasions also the appellant did not appear and hence insisted upon to take up the matter.*

3. *However, in the interest of justice, it is felt that one more opportunity be extended to the appellant.*

Notice of hearing be issued today itself to the appellant as well as to their Advocate. *Adjourned to 31/03/2021."*

4. Since appellant has constantly abstained himself from the proceeding, despite the notice being sent to both appellant and his counsel, we are constrained to dismiss this appeal for non-prosecution as per Rule 20 of CESTAT Procedure Rules, 1982.

(Dictated and pronounced in open Court)

(Sanjiv Srivastava)
Member (Technical)

(Dr. Suvendu Kumar Pati)
Member (Judicial)

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