CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL, MUMBAI
REGIONAL BENCH

Excise Appeal No. 802 of 2012

(Arising out of Order-in-Appeal No. SB/148 & 149/Th.II/2010 dated 28.06.2010 passed by the Commissioner of Central Excise (Appeals), Mumbai-I)

M/s. Prathin Foods Pvt. Ltd. **Appellant**
Plot No. W-145, MIDC,
Tarapur, Boisar, Dt. Thane 401 506.

Vs.

Commissioner of Central Excise, Thane-II **Respondent**
3rd Floor, Navprabhat Chambers,
Ranade Road, Dadar (W), Mumbai 400 028.

WITH

Excise Appeal No. 803 of 2012

(Arising out of Order-in-Appeal No. SB/148 & 149/Th.II/2010 dated 28.06.2010 passed by the Commissioner of Central Excise (Appeals), Mumbai-I)

M/s. Prathin Foods Pvt. Ltd. **Appellant**
Plot No. W-145, MIDC,
Tarapur, Boisar, Dt. Thane 401 506.

Vs.

Commissioner of Central Excise, Thane-II **Respondent**
3rd Floor, Navprabhat Chambers,
Ranade Road, Dadar (W), Mumbai 400 028.

Appearance:

Shri N.S. Patel, Advocate, for the Appellant
Shri Dhirendra Kumar, Joint Commissioner, Authorised Representative for the Respondent

CORAM:

HON'BLE MR. SANJIV SRIVASTAVA, MEMBER (TECHNICAL)
HON'BLE DR. SUVENDU KUMAR PATI, MEMBER (JUDICIAL)

Date of Hearing: 19.09.2022
Date of Decision: 19.09.2022

FINAL ORDER NO. A/85882-85883/2022

PER: SANJIV SRIVASTAVA

These appeals are directed against Order-in-Appeal No. SB/148 & 149/Th.II/2010 dated 28.06.2010 passed by the Commissioner of Central Excise (Appeals), Mumbai-I. By the impugned order, the Commissioner (Appeals) has held as follows:-

"<u>ORDER</u>

I hereby uphold the O-in-O No.32/2008-09 dtd. 31.03.2009, O-in-O o.22/2009-10 dtd. 29.01.2010 passed by the original adjudicating authority and reject the appellant's both appeals for the reasons cited supra."

2.1 The matter has been listed today for final hearing.

2.3 However, at the outset, counsel for the appellant submits that he has been informed by the appellant that they are not interested in pursuing these appeals. Counsel seeks to withdraw his Vakalatnama in the matter.

2.4 Learned AR submits that as per the appeal memo itself, entire duty is deposited along with penalty and interest under protest as per GAR-7 challan dated 24.02.2010.

3.1 We have considered the above submissions.

3.2 Taking note of the submissions that the appellant does not wish to pursue these appeals any further, the appeals are dismissed as withdrawn.

(Order pronounced in the open court)

(Sanjiv Srivastava)
Member (Technical)

(Dr. Suvendu Kumar Pati)
Member (Judicial)

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