

**CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
MUMBAI
REGIONAL BENCH, COURT NO. 5**

EXCISE APPEAL NO. 85842 OF 2013

(Arising out of Order-In-Appeal No. BR/298-299/TH-I/2012 Dated
20.11.2012 passed by Additional Commissioner of Central Excise, Thane I)

SURESH BUNDI WAL

Gut No. 67 shirishpad – shahpur road village,
Kambare talwada, Thane - 421303

Appellant

Vs.

COMMISSIONER OF CENTRAL EXCISE, THANE-I

4th Floor, navprabhat chambers, ranade road
Dadar, Mumbai- 400028

Respondent

&

EXCISE APPEAL NO. 85868 OF 2013

(Arising out of Order-In-Appeal No. BR/298-299/TH-I/2012 Dated
20.11.2012 passed by Additional Commissioner of Central Excise, Thane I)

SHRI SHAYAM METAL MFG. PVT. LTD.

Gut No. 67 shirishpad – shahpur road village,
Kambare talwada, Thane - 421303

Appellant

Vs.

COMMISSIONER OF CENTRAL EXCISE, THANE-I

4th Floor, navprabhat chambers, ranade road
Dadar, Mumbai- 400028

Respondent

Appearance:

None for the Appellant.

Shri Xavier P.M. Mascarenhas, Superintendent, Authorized Representative
for the Respondent.

CORAM:

HON'BLE MR. Dr. SUVENDU KUMAR PATI, MEMBER (JUDICIAL)

HON'BLE MR. ANIL.G.SHAKKARWAR, MEMBER (TECHNICAL)

Date of Hearing: 07.11.2023

Date of Decision: 07.11.2023

FINAL ORDER NO: 87137-87138/2023

None for the Appellant. Learned Authorized Representative is present.

2. Retirement Memo is received from the Learned Counsel for the Appellant by the Registry on 19.04.2023 seeking retirement from this case in view of his failure to ascertain the whereabouts of the Appellant.

3. Learned Authorized Representative submits copy of letter received from concerned Commissionerate indicating closure of the factory and service of notice through affixture mode. It seems that Appellant is no more interested to pursue the appeal for which we have no option but to dismiss the appeal for default and non-prosecution.

4. Accordingly, both the appeals are dismissed for default and non-prosecution as per the provisions contained in Rule 20 of the CESTAT (Procedure Rules) 1982.

(Dictated and pronounced in open court)

(Dr. SUVENDU KUMAR PATI)
MEMBER (JUDICIAL)

(ANIL.G.SHAKKARWAR)
MEMBER (TECHNICAL)