

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

SERVICE TAX APPEAL NO. 86547 OF 2016

(Arising out of Order-In-Original No. 59/STC/IV/MRRR/15-16 dated
13.01.2016 passed by The Commissioner Service Tax-IV, Mumbai.)

SUNIL HI TECH ENGINEERS LTD.

97, East High Court Road,
Ramdaspath,
Nagpur-440 010.

....Appellant

Vs.

COMMISSIONER SERVICE TAX- IV, MUMBAI.

12th Floor, Lotus Infocentre,
Parel Station road,
Parel (E),
Mumbai-400 012.

....Respondent

Appearance:

None for the Appellant.

Shri Priyesh Bheda, Joint Commissioner, Authorized Representative for the
Respondent.

CORAM:

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

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

Date of Hearing: 20.03.2024

Date of Decision: 20.03.2024

FINAL ORDER :- 85363/2024.

PER : BENCH

None for the Appellant.

2. Learned Authorized Representative is present. He submits an application under Rule 22 of the CESTAT (Procedure) Rules and prays to abate the appeal in view of the NCLT proceedings concluded against the appeal. He also submits the downloaded printout of the order taken from the NCLT website.

3. This is not an authenticated/certified copy nor even any seal or stamp of the NCLT is available therein. We are, therefore, unable to honour the same, apart from the fact that NCLT proceedings is not concluded but only admitted on the basis of request made by corporate creditor. However,

having regard to the fact that appellant has been continuously remaining absent and its learned counsel has intimated that appellant had taken back its file from him, we have got no other option but to dismiss the appeal for default and non-prosecution. The appeal is, therefore, dismissed under Rule 20 of the CESTAT (Procedure) Rules, 1982 for default and non-prosecution.

(Dictated and pronounced in open court.)

(DR. SUVENDU KUMAR PATI)
MEMBER (JUDICIAL)

(ANIL.G.SHAKKARWAR)
MEMBER (TECHNICAL)

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