IN THE CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST ZONAL BENCH AT MUMBAI
COURT No. I

APPEAL Nos. C/830-833,835/2009,E/922,923,925-927/2009

(Arising out of Order-in-Original No. 64/CEX/COMMR/2008 dated 19.12.2008 passed by Commissioner of Central Excise, Customs & Service Tax, Aurangabad)

Loomfcraft Fabrics Pvt. Ltd. **Appellant**
Vatan Textiles Ltd.
Rafeeq Ahmed Khan
Shafeeq Ahmed Khan
Zaheer Ansari
Loomcraft Fabrics Pvt. Ltd.
Zaheer Ansari
Vatan Textiles Ltd.
Rafeeq Ahmed Khan
Shafeeq Ahmed Khan

Vs.

Commissioner of Central Excise, Aurangabad **Respondent**

Appearance:

None for appellant
Shri Ajay Kumar, Additional Commissioner (AR), for respondent

CORAM:

Hon'ble Dr. D.M. Misra, Member (Judicial)
Hon'ble Mr. P. Anjani Kumar, Member (Technical)

Date of Hearing: 25.02.2019
Date of Decision: 25.02.2019

ORDER No. A/85370-85379/2019

Per: Dr. D.M. Misra

These are all listed as mention matters.

2. Learned AR for the Revenue submitted a date chart wherein he has indicated that by order dated 29th July 2015, this Tribunal directed the appellant M/s. Vatan Textiles Ltd. to make pre-deposit of 25% of the duties confirmed; M/s. Loomcraft Fabrics Pvt. Ltd. and M/s. Fabrikart to deposit 10% of the penalties imposed upon them; also directed compliance of the pre-deposit by 5th October 2015. Aggrieved by the said order, the appellants filed a Writ Petition No.1346 of 2016 before the Hon'ble High Court and also they have approached this Tribunal for modification of the order of the Tribunal directing pre-deposit. The modification application was rejected by this Tribunal. In the meantime, the Hon'ble Bombay High Court (Aurangabad Bench) by order dated 3rd February 2016, issued a direction observing that the Tribunal shall not pass order of dismissal pending disposal of the appeal before the Hon'ble High Court. The learned AR for the Revenue submits that the Hon'ble High Court by its order dated 24th November 2018, dismissed the Writ Petition filed by the appellant. The learned AR submits that since the appellants have not complied with the direction of pre-deposit and their Writ Petition before the Hon'ble Bombay High Court (Aurangabad Bench) has been dismissed, the appeals before this Tribunal are not maintainable. We agree with the contention of

the learned AR for the Revenue. Consequently, all these appeals are not maintainable and accordingly, dismissed.

(Pronounced in court)

(P. Anjani Kumar)	**(Dr. D.M. Misra)**
Member (Technical)	**Member (Judicial)**

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