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Indian Refractory Maker Vs. Designated Authority of India

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Sep-30-1999

Reported in : (1999)(114)ELT714TriDel

Appellant : Indian Refractory Maker

Respondent : Designated Authority of India

Judgement :

1. When these matters came up before us on 13-8-1999 we directed the appellant to take out notice to all concerned parties interested in the outcome of these appeals and also to the designated authority. Pursuant to that direction, appellant served notice of the appeal and copies of the memo of appeal on all the opposite parties including the designated authority. Evidence of service have been produced before this Tribunal.

This Tribunal also sent notice to the designated authority by post on 6-9-1999 fixing the hearing of the case today 29-9-1999. In spite of the service of above notices, designated authority has not cared to enter appearance.

2. Rule 6 of CEGAT (Countervailing Duty and Anti-dumping Duty) Procedure Rules, 1996, reads "On receiving notice of appeal, the designated authority shall transmit to the Tribunal the records and the procedure leading to the appeal including confidential information, if any, under Rule 8 of the Countervailing Duty Rules or Rule 8 of Anti-Dumping Rules as the case may be". Designated authority has failed to comply with this legal requirement.

3. Under the above circumstances, office is directed to send a copy of this order by registered post (with acknowledgement) to the designated authority calling upon them to make available the entire records to the Tribunal and to enter appearance in the proceedings. Designated authority may also be informed that these matters will be taken up for final hearing on 21-10-1999.

4. Since all parties concerned in these appeals, other than designated authority are present before us, no fresh notice may be sent to any of them.

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