**Commissioner of Central Excise Vs. Eisen Pharmaceuticals**

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**SooperKanoon Citation** : sooperkanoon.com/19865

**Court** : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

**Decided On :** Nov-27-2000

**Reported in** : (2001)(73)ECC716

**Judge** : S T Gowri, J S Murthy

**Appellant** : Commissioner of Central Excise

**Respondent** : Eisen Pharmaceuticals

**Judgement** :

1. There is no response to the notice issued to the Commissioner (with a copy to the departmental representative) to produce copies of the Order-in-Original and Order-in-Appeal. The department representative seeks one more opportunity for reasons which he is unable to explain to us. If the Commissioner and the departmental representative chose not to act upon the notice of the registry, we do not see how any number of opportunities will help. This is already the second opportunity provided for filing the appeal complete with enclosures (the first being when the appeal itself was filed).

2. The notice to the Commissioner advised him that since only one appeal had been filed against the order disposing of an appeal against three respondents the appeal will be treated as an appeal against the order in the appeal of M/s. Eisen Pharmaceuticals. Thus there is only one appeal and that appeal is dismissed Under Rule 11A of the (CEGAT) Procedure Rules.