

**Wavetronics Vs. Commissioner of Central Excise**

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**SooperKanoon Citation :** [sooperkanoon.com/20069](http://sooperkanoon.com/20069)

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

**Decided On :** Dec-18-2000

**Reported in :** (2001)(75)ECC340

**Judge :** J Balasundaram, R T Lajja

**Appellant :** Wavetronics

**Respondent :** Commissioner of Central Excise

**Judgement :**

1. Vide Final Order No. 1073/2000-B dated 12.7.2000, the above appeal was heard on merits and rejected.
2. The learned Counsel Shri Rajesh Jain states that he was unable to be present during the hearing of the appeal, as after he had reached the Tribunal for attending the same, he received a phone call from his residence to attend to some urgent work. He submits that his clerk had been told to mention to the Bench the reason for Counsel's non-appearance but the Clerk could not explain to the Bench, which heard the learned DR and passed the order. In these circumstances, he prays that the final order of the Tribunal may be recalled and appeal fixed for hearing once again on merits.
3. The prayer is opposed by the learned DR who submits that all the issues arising in the appeal have been considered while passing the order and no ground has been made for recall of the order.

4. On a consideration of the rival submissions, we are satisfied with the explanation offered by the learned Counsel, set aside our ex-parte order and restore the appeal and fix it for hearing on 24.1.2001. The application is hereby allowed.

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