

**Husseln Karolia Vs. Commissioner of Central Excise**

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**SooperKanoon Citation : [sooperkanoon.com/33243](http://sooperkanoon.com/33243)**

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

**Decided On : Nov-28-2003**

**Reported in : (2004)(167)ELT76Tri(Mum.)bai**

**Judge : S T C.**

**Appellant : Husseln Karolia**

**Respondent : Commissioner of Central Excise**

**Judgement :**

1. None appeared for the appellants. Heard Shri S.V. Parelkar, learned J.D.R. for the Department. This appeal and the Stay application were filed on 31-1-1996. No explanation is available from the Registry as to why this stay application filed in January 1996 is being posted for hearing for the first time on 27-11-2003. By not listing the case and the stay application for hearing, the appellants have enjoyed automatic stay for the entire period from 1996 till date. Considering the delay involved in listing the case, the pre-deposit of duty and penalty is waived and the case is posted for final hearing on 29-12-2003. A copy of this order may also be sent to the Registrar for his information with reference to earlier Order No. C-IV/643-44/WZB/2003, dated 9-10-2003 [2003 (158) E.L.T. 38 (Tri. - Mumbai)].