D.C. Polyester Pvt. Ltd. Vs. Commissioner of Central Excise

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SooperKanoon Citation : sooperkanoon.com/39390

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Jun-17-2005

Reported in : (2005)(188)ELT423Tri(Mum.)bai

Judge : K Kumar

Appellant : D.C. Polyester Pvt. Ltd.

Respondent : Commissioner of Central Excise

Judgement :

2. The ld. Counsel for the appellant submitted that in his written submission filed before the Tribunal he has specifically mentioned that the issued involved in the present case is squarely covered in favour of the appellant by the decision in the appellant's own cases of Commissioner of Customs, Mumbai-II v. D.C. Polyesters Pvt. Ltd. reported in 2004 (176) E.L.T. 471 (Tri. - Mumbai) and Commissioner of Central Excise, Mumbai-III v. D.C. Polyester Pvt. Ltd. . While passing the order these two decisions have not been considered and as such the order suffers from the patent error and as such he submitted that the ROM application may be allowed.

3. The ld. JDR has no serious objection in allowing the ROM application.

4. I, therefore, allow the ROM application. The case is fixed for regular hearing on 22-7-05.