

**Simplex Industries Ltd. Vs. Cce**

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**SooperKanoon Citation :** [sooperkanoon.com/41032](http://sooperkanoon.com/41032)

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

**Decided On :** Dec-06-2005

**Judge :** M T K.C.

**Appellant :** Simplex Industries Ltd.

**Respondent :** Cce

**Judgement :**

1. This application for restoration of appeal and stay application has been filed on the ground that due to illness of Managing Director Mr.

Kailash Bidasaria, request for adjournment of hearing of stay application was made but it could not be placed before the Bench and the order for dismissing the stay application was not contested and the order was passed for depositing the disputed amount. They were required to comply with this order and report compliance on 31.5.05. They did not report compliance and, accordingly, the appeal was dismissed.

2. Now, it is pleaded that the application of stay as well as appeal may be restored. It was made clear to the learned counsel that stay application at this stage cannot be restored. They should comply with the condition of the stay order and then come up with the application for restoration of appeal. The learned advocate requests that eight week time may be given to him for compliance with the stay order.

Accordingly, the applicants are given 8 weeks time to deposit the disputed amount and report compliance on 14.2.06. On such compliance, they should file an application for restoration of appeal which will be considered on merits.

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