

A.R. Alloys Vs. C.C.E.

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SooperKanoon Citation : sooperkanoon.com/41473

Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Jan-12-2006

Reported in : (2006)(111)ECC42

Judge : S Kang, Vice, S T T.V.

Appellant : A.R. Alloys

Respondent : C.C.E.

Judgement :

The appellant filed this application for restoration of the appeal. The contention of the applicant is that the appeal filed by the appellant was dismissed vide order dt. 19.12.05 for non-compliance to the condition of the stay order. The contention is that before this date, the applicant made an application for withdrawal of the appeal. That application was not put before the Bench on the date when the final order was passed. The prayer of the applicant is that the appeal be revived and the same will be dismissed as withdrawn. Keeping in view the facts and circumstances of the case, as the applicant filed a Misc.

application dt. 24.9.05 which was received by the registry on 26.9.05 with the prayer that the appeal be dismissed as withdrawn. In these circumstances, the final order of the Tribunal for noncompliance to the condition of stay is withdrawn and the appeal is to be treated as dismissed as withdrawn. The application is allowed as indicated above.