

Collector of Central Excise Vs. Jagdish Processors

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Delhi

Decided On : Oct-25-1994

Reported in : (1994)(74)ELT676TriDel

Appellant : Collector of Central Excise

Respondent : Jagdish Processors

Judgement :

1. On the last date of hearing i.e. to say 19-9-1994 it was noticed that the appeal filed by the appellant is defective, and therefore, time was given for moving the proper application for amending the appeal memo at the request of the SDR.2. When the case was called, Shri Dutta, Id. JDR appeared and submitted that despite the telex, the Collector of Central Excise, Ahemdabad has not responded till date. At this stage, it appears that Shri Dutta sensing that the Bench is going to dismiss the appeal for want of prosecution, came out with his ignorance that he is not aware whether any application has been filed in the registry and requested for adjournment. On enquiry from the Court-master it was found that no such application has been filed by the appellants.

3. The present appeal is of 1986 and the Additional Collector, who was authorised to file the appeal was expected to know the procedure and the law. Still time was given to the appellant in the interest of justice to amend the appeal as aforesaid. Under these circumstances, we dismiss the appeal for want of prosecution as requested by Shri Jitendra Singh, Id. counsel for the respondents.