Bilcare Ltd. Vs. Commissioner of Central Excise, Pune Ii

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Apr-03-2012

Judge : The Honourable Mr. Ashok Jindal, Member (Judicial) &Amp; the Honourable Mr. P.R. Chandrasekharan, Member (Technical)

Appeal No. : APPLICATION NO. C/EH/2145/11 IN APPEAL NO. C/1050/09 - Mum Arising out of Order-in-Appeal No. P

Appellant : Bilcare Ltd.

Respondent : Commissioner of Central Excise, Pune Ii

Advocate for Pet/Ap. : For the Appellant : Shri Mehul Jiwani, C.A.. For the Respondent : Shri Sanjay Kalra, Appraiser (A.R.).

Judgement :

Ashok Jindal

The appellant filed this application for early hearing of their appeal on the ground that after filing the appeal they have obtained EODCs from DGFT which was the main issue involved in the matter.

2. The learned Counsel for the appellant submits that the demand has been raised against the appellant for not discharging their export obligation and at this stage the appellant is in a position to produce EODC issued by the DGFT.

3. After hearing the learned Advocate, we find that the appellant has made out a ground for early hearing of the appeal. Accordingly, after allowing the application for early hearing, we take up the appeal itself for disposal.

4. At this stage the learned Counsel has produced EODCs issued by DGFT which were not considered by the lower authorities. Considering the fact that it would be appropriate to remand the matter back to the original adjudicating authority to verify the EODCs produced before us by the appellant whether they have discharged their export obligation or not and pass an order accordingly.

5. Appeal is disposed of by way of remand.