

\$~1 and 2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CUS.A.C. 12/2013'

M/S RAJITA HERBALS PVT. LTD. Petitioner

Through: Dr. Prabhat Kumar, Advocate

versus

COMMISSIONER OF CENTRAL EXCISE (ADJUDICATION)

..... Respondent

Through: None.

2

+ CUS.A.C. 13/2013

M/S BALAJI EXPORTS Petitioner

Through: Dr. Prabhat Kumar, Advocate

versus

COMMISSIONER OF CENTRAL EXCISE (ADJUDICATION)

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **02.07.2013**

CM No.8615/2013(exemption) in CUS.A.C. 12/2013

CM No.8616/2013(exemption) in CUS.A.C. 13/2013

These two appeals under Section 130 of the Customs Act, 1962 (Act, for short) are directed against the order dated 8.4.2013 passed by the Customs, Excise and Service Tax Appellate Tribunal disposing of applications for waiver of pre-deposit under Section 129(E) of the Act.

Learned counsel for the appellant after some hearing submits that the appellant would be satisfied if extension of time is granted to make payment of the balance amount of Rs.35,00,000/-. It is pointed out that the appellant has paid an amount of Rs.52,05,000/- and has furnished bank guarantees to

C

the extent of Rs.16,45,000/-, out of which one bank guarantee of Rs.11,00,000/- has already been encashed.

Advance copy of the appeals have been served on the counsel for the respondent but there is no appearance on their behalf. The matters were also passed over for the appearance for the counsel for the respondent.

Keeping in view the nature of the request made, we think it appropriate to extend the time to make payment of balance amount of Rs.35,00,000/- within a period of three months in three equal instalments. The first instalment will be paid on or before 2.8.2013. Second instalment will be paid on or before 2.9.2013 and the third instalment will be paid on or before 1.10.2013.

The appeal is, accordingly, disposed of.

Dasti.

3-11-13
SANJIV KHANNA, J

Sanjeev Sachdeva
SANJEEV SACHDEVA, J

JULY 02, 2013/Sv

After the aforesaid order was passed, Mr. Zafar Moonis, Advocate has appeared on behalf of the respondent and states that he was held up in another court and, therefore, could not appear. He has been apprised of the order passed.

3-11-13
SANJIV KHANNA, J

Sanjeev Sachdeva
SANJEEV SACHDEVA, J

JULY 02, 2013/Sv