

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CENTRAL EXCISE APPEAL NO. 56 OF 2014

Kingfisher Airlines Ltd.	}	Appellant
versus		
The Commissioner of Service	}	
Tax, Mumbai - I	}	Respondent

Mr. Prakash Shah with Mr. Durgaprasad Pujari
i/b. M/s. PDS Legal for the Appellant.

Mr. Pradeep S. Jetly with Ms. Suchitra Kamble
for the Respondent.

**CORAM :- S. C. DHARMADHIKARI &
N.W.SAMBRE, JJ.**

DATED :- FEBRUARY 12, 2015

P.C. :-

In the light of the subsequent development and particularly of dismissal of Appeal by the Tribunal for non deposit of Rs.18 crores, nothing survives in this Appeal. However, we clarify that in the event the dismissal of the Appeal by the Tribunal is impugned and challenged by the Assessee in a substantive Appeal, withdrawal of the present Appeal would not prevent the Assessee from raising all contentions including based on the grounds in the present Appeal. Granting that liberty, we dismiss the Appeal.

(N.W.SAMBRE, J.)

(S.C.DHARMADHIKARI, J.)