THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.E.A. No. 3 of 2015

P.C: (per the Hon'ble Sri Justice Dilip B.Bhosale)

This Central Excise Appeal under Section 35G of the Central Excise Act, 1944 (for short 'the Act') is directed against the order, dated 27.11.2014 passed by the Customs, Excise and Service Tax Appellate Tribunal, Bangalore (for short 'the Tribunal') on an application for stay, bearing ST/Stay/29288/2013 in ST/28597/2013-DB. By this order, the Tribunal rejected the appellant's prayer for stay of the direction to deposit the entire amount of service tax demanded within eight weeks and report compliance on 05.02.2015.

We have perused the order and so also the provisions contained in Section 35F of the Act, in particular the first proviso thereto. In view of the said provision and the reasons recorded by the Tribunal, learned counsel for the parties fairly stated that we need not record reasons for disposing of this appeal and they have agreed for the following order:

"The appellant shall deposit 25% of the entire amount of the service tax demanded and furnish a bank guarantee of any Nationalised Bank for another 25%, within a period of six (6) weeks from today.

It is needless to mention that the appellant shall keep the Bank Guarantee alive/in force till disposal of the appeal pending before the Tribunal and for further period of one month from the date of its decision.

The Tribunal shall consider and decide the appeal filed by the appellant after deposit of the amount and furnishing of the bank guarantee as aforementioned, within six (6) months there from on merits in accordance with law. All contentions on merits are kept open."

Appeal is accordingly disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:17.03.2015
kdl