

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

AND

THE HONOURABLE Dr.JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.1667 of 2007 and

The Commissioner of Central Excise  
Chennai II Commissionerate,  
No.692, MHU Complex, Anna Salai,  
Nandanam, Chennai-600 035. ... Appellant.

Versus

1. M/s.Brakes India Limited,  
Padi, Chennai-600 050.

2. Customs, Excise and Service Tax  
Appellate Tribunal  
South Zonal Bench,  
Shastri Bhavan Annexe, 1st Floor,  
26, Haddows Road, Chennai-6. ... Respondents.

Prayer: Appeal presented to the High Court against the Final  
Order Nos.1056 of 2005, dated 29.7.2005, on the file of the  
Customs, Excise and Service Tax Appellate Tribunal, South Zonal  
Bench, Chennai.

For Appellant : Mr.A.P.Srinivas

For Respondents : Mr.S.Ragavan (R1)  
Tribunal (R2)

O R D E R

The learned counsels appearing for the Appellant/Department  
had submitted that they may be permitted by this court to  
withdraw the present Civil Miscellaneous Appeal, in view of the  
instructions issued, in F.No.390/Misc./163/2010-JC, issued by  
the Central Board of Excise & Customs, Department of Revenue,  
Ministry of Finance, Government of India, dated 17.12.2015, as

the monetary limit relating to the matter is less than Rs.15,00,000/-.

2. The learned counsels had further submitted that liberty may be granted to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant circular issued by the Central Board of Excise & Customs.

3. In view of the submissions made by the learned counsels appearing for the Appellant/Department, the present Civil Miscellaneous Appeal stands dismissed, as withdrawn. It is made clear that the questions of law, which may arise for the decision of this Court, in the present Civil Miscellaneous Appeal, are left open to be considered and decided in appropriate cases, in accordance with law. It is also made clear that it would be open to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant instructions issued by the Central Board of Excise & Customs, within a period of twelve weeks from today. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Registrar,  
Customs Excise and Service Tax Appellate Tribunal,  
South Zonal Bench,  
Chennai

copy to:  
The Section Officer  
VR Section  
High Court Madras

+1 cc to Mr.A.P.Srinivas Advocate sr.9018

Civil Miscellaneous Appeal  
No.1667 of 2007

aa19/02/2016