IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MRS.JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.800 of 2010

Commissioner of Central Excise
Puducherry Commissionarate
Goubert Avenue, Beach Road
Pondicherry 605 001
.. Appellant

Versus

M/s Southern Agrifurane Industries Ltd.,
Mundiyampakkam,
Villupuram Taluk 605 601 .. Respondent

Prayer: Appeal presented to the High Court order S 35G of Central Excise Act, 1944, against the order of the CESTAT, Chennai dated 17.09.2009 passed inn Final Order No.1317/2009. which was preferred against the order in original No.30/2006(ST) passed by the deputy Commissioner of Central Excise, Villupuram Division on 31.07.2006.

For Appellant : Mr.E.Vijay Anand

For Respondent : No appearance

JUDGMENT

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may be granted to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions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learned counsels appearing for the Appellant/Department, the present Civil Miscellaneous Appeal stands dismissed, as withdrawn.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it would be open to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant circular issued by the Central Board of Excise & Customs, within a period of twelve weeks from today. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

1. The Customs, Excise and Service Tax Appellate Tribunal, Chennai,

2. The Deputy Commissioner of Central Excise,
Villupuram Division,
9, Solai Nagar, Sudhakar Nagar,
Villupuram 605602.

+1 cc to Mr.E.Vijay Anand, Advocate, sr.4961

Civil Miscellaneous Appeal No.800 of 2010

gr co
kra 03.02.2016