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.831 of 2010

Commissioner of Central Excise,
Pondicherry Commissionerate,
No.1, Goubert Avenue,
Beach Road, Pondicherry-605001. .. Appellant.

Versus

1. Customs, Excise and Service Tax Appellate Tribunal, Chennai, South Zone Bench, Sastri Bhavan, Chennai-600 006.

2. M/s.Chengalrayan Co-operative Sugar Mills Ltd., Periyasevalai-607 209, Villupuram District, Tamilnadu. .. Respondents.

Prayer: Appeal presented to the High Court under Section 35G of the Central Excise Act,1944 against the Final Order No.1293 of 2009, dated 15.9.2009, on the file of the Customs, Excise and Service Tax Appellate Tribunal, South Regional Bench, Chennai-600 006.

For Appellant : Mr.A.P.Srinivas
For Respondents : Tribunal (R1)
No Appearance (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may be granted to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant circular issued by the Central Board of Excise & Customs.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learned counsels appearing for the Appellant/Department, the present Civil Miscellaneous Appeal stands dismissed, as withdrawn.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it would be open to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant instructions issued by the Central Board of Excise & Customs, within a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.

csh

-s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

The Registrar,
Customs Excise and Service Tax
Appellate Tribunal,
South Regional Bench,
Chennai 6.

Copy to:

The Section Officer,
V.R.Section,
High Court, Madras.

+ 1 cc to Mr.A.P.Srinivas, Advocate SR 9017

rsy(co)
prk19/2 Civil Miscellaneous Appeal No.831 of 2010