IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2016

CORAM

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

Civil Miscellaneous Appeal No.573 of 2008 and

M.P.No.1 of 2008

The Commissioner of Central Excise
and Service Tax
Large Tax Payer Unit,
1775, Jawaharlal Nehru Inner Ring Road,
Anna Nagar Western Extension,
Chennai-600 101. .. Appellant/Applicant

Versus

1. M/s. Tamilnadu Petroproducts Limited,
Manali, Chennai-600 068.

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

Prayer: Appeal presented to the High Court against the Final Order Nos.892 to 894 of 2007, dated 19.7.2007, on the file of the Customs, Excise and Service Tax Appellate Tribunal, South Zonal Bench, Chennai against the order of the Commissioner of Central Excise (Appeals) Chennai-600 034 dated 20.4.2000 and made in Appeal No.57 & 58 of 2000 (M-1) and 16/3/2000 made in Appeal No.36/2000(M1) against the order of the Additional Commissioner of Central Excise of Chennai-I, Commissionerate, dated 29.11.99 and 28.2.2000 in C.No.V/15/69/99 & C.No.IV/16/1/2000-Adj B- On of Chennai I Commissionerate.

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For Appellant : Mr.A.P.Srinivas

For Respondents : Mr.N.Inbarajan (R1)
Tribunal (R2)

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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may be granted to the Appellant/Department to revive the Civil Miscellaneous Appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in the relevant circular issued by the Central Board of Excise & Customs.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learned counsels appearing for the Appellant/Department, the present Civil Miscellaneous Appeal stands dismissed, as withdrawn.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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Central Excise
and Service Tax
Large Tax Payer Unit,
1775, Jawaharlal Nehru Inner Ring Road,
Anna Nagar Western Extension,
Chennai-600 101.

2.The Commissioner of Central Excise,(Appeals),
Chennai-600 034.

3.The Additional Commissioner of Central Excise,
Chennai-I Commissionerate.

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

+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.9021 (13.06.2016)

Civil Miscellaneous Appeal No.573 of 2008

ug(CO)
srg(22/02/2016)

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