IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CUSAP No. 4 of 2016 (O&M)
Decided on : 04.04.2016

M/s Shree Vishnu Overseas Pvt. Ltd.

. . . Appellant

Versus

Commissioner of Central Excise, Delhi-III

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

PRESENT: Ms. Shikha Sapra, Advocate for
Sh. Manoj Kumar, Advocate
for the appellant.

****

AJAY KUMAR MITTAL, J. (Oral)

The appellant has approached this Court under Section 130 of the Customs Act, 1962 (for brevity 'the Act') impugning the Final Order No.50650/2014, dated 19.02.2014 (Annexure A-1), passed by the learned Customs, Excise and Service Tax Appellate Tribunal, New Delhi (in Short 'the Tribunal') in Customs' Appeal No.181/2009-Cus(PB), against the Order-in-Original No.02/JM/CE/09, dated 06.03.2009, passed by the Commissioner of Central Excise, Delhi-III.

2. Learned counsel for the appellant submitted that impugned order dated 19.02.2014 (Annexure A-1) had been passed *ex parte* without issuing any notice to the appellant at the new address, as the appellant had shifted from the old premises.

3. After arguing for sometime, learned counsel for the appellant-assessee submitted that since the appellant did not approach the Tribunal seeking setting aside of the *ex parte* order, which is impugned herein, therefore, she may be allowed to withdraw the present appeal with liberty to the appellant to file an appropriate application for setting aside the *ex parte*

order before the Tribunal.

4. Dismissed as withdrawn. It shall, however, be open to the appellant to take recourse to the remedies as may be available to it, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

April 04, 2016
J.Ram