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IN THE HIGH COURT OF DELHI AT NEW DELHI

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SERTA 1/2016

CLASSIC CONSTRUCTIONS

..... Appellant

Through Mr Prem Kumar Ranjan, Advocate with
Ms Naina Sharma, Advocate.

versus

COMMISSIONER OF SERVICE TAX, NEW DELHI..... Respondent

Through Mr Satish Kumar, Senior Standing
Counsel.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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12.01.2016

1. The limited relief that has been sought by the Appellant in this appeal against order dated 20th July, 2015 passed by the Custom Excise & Service Tax Appellate Tribunal, New Delhi ('CESTAT') in application No. ST/STAY/60502/2013-CU (DB) in appeal No. ST/59780/2013-CU(DB) is that the requirement for payment of interest along with deposit of Rs.17.5 lakhs as condition for entertaining the appeal of the Appellant be dispensed with.

2. At the outset, the counsel for the Appellant states that although compliance to be reported by 8th September, 2015 in terms of the impugned order, the appeal of the Appellant is still pending in the CESTAT and is fixed for hearing on 2nd February, 2016.

3. Learned counsel for the Appellant states that that the Appellant has already made a deposit of Rs.17.5 lakhs in terms of the impugned order. This is in addition to the sum of Rs.5,75,441 that had been deposited by it.
4. In the circumstances, the Court considers it appropriate to modify the impugned order dated 20th July, 2015 passed by the CESTAT and directs that the deposit of Rs.17.5 lakhs made by the Appellant, without proportionate interest, should be treated as compliance of the impugned order dated 20th July 2015 of the CESTAT for the purposes of pre-deposit.
5. The appeal is disposed of in the above terms. Order *dasti*.

S.MURALIDHAR, J

VIBHU BAKHRU, J

JANUARY 12, 2016

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