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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.7745 OF 2015
IN
CENTRAL EXCEISE APPEAL (ST) NO.4793 OF 2015**

Commissioner of Customs, Central
Excise & Service Tax, Nashik-II
Commionerate Kendriya Rajuaswa Bhawan,
Gadkari Chowk, Old Agra Road,
Nashik-422002 (Earlier Commissionerate
of Customs, Central Excise & Service
Tax, N-5, Town Centre, CIDCO,
Aurangabad.

..APPLICANT

VERSUS

M/s Gade Transport, 2nd Floor,
Hotel Yash Palace, Nagar Pune
Road, Ahmednagar (M.S.)

..RESPONDENT

Mr D.S. Ladda, Advocate for applicant;

**CORAM : P.B. VARALE &
SUNIL K. KOTWAL, JJ.**

DATE : 12th DECEMBER, 2017

ORAL ORDER :

Heard learned Counsel appearing for the
applicant/appellant.

2. The applicant/appellant pray condonation

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of delay of 71 days caused in filing the appeal. Notice was issued by this Court on 3rd February, 2017 making same returnable on 17th March, 2017.

3. Office report shows that the respondent is duly served. In spite of respondent being duly served, none appears for the respondent.

4. Learned Counsel appearing for the applicant, by inviting our attention to the reasons mentioned in the application and more particularly paragraph-6, submitted that because of division of two separate Commissionarates namely Aurangabad Commissionerate and Nashik Commissionerate and again bifurcation in Ahmednagar Division namely Division No.1 and Division No.2, there was some communication gap. It is submitted that the delay caused in filing the appeal is purely unintentional and for bonafide reasons.

5. In view of submissions of learned Counsel for the applicant and for the reasons mentioned in

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the application, the application is allowed.

6. Insofar as notice on appeal is concerned, issue notice to the respondent, returnable on 20th February, 2018.

(SUNIL K. KOTWAL, J.)

(P.B. VARALE , J.)

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