IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1694 OF 2016
IN
CENTRAL EXCISE APPEAL {L} NO.162 OF 2014

The Commissioner of Service Tax,
Mumbai-II .... Applicant

In the matter between

The Commissioner of Service Tax,
Mumbai-II .... Appellant

Vs.

M/s. ISE Securities & Services Ltd. .... Respondent

Mr. Vipul A. Bajpayee for the Applicant/Appellant.
None for the Respondent.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : APRIL 17, 2017

P.C:

1. The Registry has refused registration of this Central Excise Appeal as the Revenue has not complied with the procedural requirement set out in the procedural rules.

2. Enough time was granted but since that compliance was not reported, the registration stood refused. Consequently,

the appeal was dismissed.

3. A copy of this application which is moved for setting aside the order of the Prothonotary and Senior Master was served on the other side. The proof of service is also placed on record.

4. Since none appears on behalf of the other side, there is no denial of the statements made in the affidavit in support.

5. It is stated that the office objections could not be removed inadvertently. There were no *mala fides* or negligence on the part of the Advocate who has filed his personal affidavit.

6. In the above circumstances, the delay is condoned. The order of the Prothonotary and Senior Master is set aside. The motion is made absolute in terms of prayer clauses (a) and (b). There will be no order as to costs.

7. Now we grant four weeks' time for removal of the office objections.

(PRAKASH D. NAIK, J.) (S.C. DHARMADHIKARI, J.)