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

NOTICE OF MOTION NO.216 OF 2017
IN
CENTRAL EXCISE APPEAL {L} NO.279 OF 2014

The Commissioner of Central Excise &
Service Tax, Pune-III .... Applicant
In the matter between
The Commissioner of Central Excise &
Service Tax, Pune-III .... Appellant
Vs.
Kumar Beheray Rathi .... Respondent

AND

NOTICE OF MOTION NO.440 OF 2015
IN
CENTRAL EXCISE APPEAL {L} NO.279 OF 2014

A.C. Nagare
Assistant Commissioner
Service Tax .... Applicant
In the matter between
The Commissioner of Central Excise &
Service Tax, Pune-III .... Appellant
Vs.
Kumar Beheray Rathi .... Respondent

Mr. M. Dwivedi with Mr. Sham V. Walve for the
Applicant/Appellant.
None for the Respondent.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

**DATE : ** FEBRUARY 13, 2017

P.C:

1. There is an affidavit proving service on the respondent. He is absent, though duly served.

2. The appeal was dismissed for non-removal of office objections.

3. Now, what one finds is that the office objections have been removed, in the sense the substantial part of it has been complied with by moving an application seeking condonation of delay. The technical delay of 2 days in filing the appeal, therefore, deserves to be condoned. It is accordingly condoned. The Notice of Motion No.440 of 2015 is made absolute accordingly.

4. In Notice of Motion No.216 of 2017, the conditional order dated 9-10-2014 is sought to be set aside by this notice of

motion, filed after nearly two years' delay. In the light of the fact that the Registry has been assured by the Commissionerate that it would follow up the matters with the assistance of all the Advocates on the Panel, we make this notice of motion absolute in terms of prayer clauses (a) to (c). There will be no order as to costs.

(B.P. COLABAWALLA, J.) (S.C. DHARMADHIKARI, J.)