IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9799 OF 2018
IN
CENTRAL EXCISE APPEAL NO.4 OF 2017

Commissioner of Customs, Central Excise .. Petitioner
& Service Tax
(Now, Commissioner of Central GST and
Central Excise)
N-5, Town Center,
CIDCO, Aurangabad.

Versus

M/s. Aditya Enterprises .. Respondent
29, Tapari Market,
Bajrang Chowk, N-7,
Aurangabad – 431 003.

Mr.D.S.Ladda, Advocate for the petitioner.
Mr.D.A.Bide, Advocate for sole respondent.

AND
CIVIL APPLICATION NO. 9807 OF 2018
IN
CENTRAL EXCISE APPEAL NO.74 OF 2015

Commissioner of Customs, Central Excise .. Petitioner
& Service Tax
(Now, Commissioner of Central GST and
Central Excise)
N-5, Town Center,
CIDCO, Aurangabad.

Versus

M/s. Badve Engineering Ltd. .. Respondent
Unit No.V, Gut No.63 & 64
Aurangabad Ahmednagar Road,
Near Waluj, Narayanpur, Gangapur,
Aurangabad.

Mr.D.S.Ladda, Advocate for the petitioner.
Mr.A.P.Kolhe, Advocate for sole respondent.

CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.
DATED : 30.07.2018

P.C. :-

1. By way of present Civil Applications the applicant/appellant prayed for withdrawal of the appeal. Mr. Ladda, learned Counsel by inviting our attention to the instructions dated 11.07.2018 submitted that in view of his instructions the applicant/appellant be permitted to withdraw the appeal. Reference is made to monitory limits in a tabular form in the said communication and monitory limit referred to for the appeals to be presented in the High Court is stated as Rs.50 lakhs.

2. It is stated in para-3 of Civil Application No.9799 of 2018 that the amount of disputed dues in the case is differential interest dues of Rs.2,37,587/- plus penalty of Rs.20,58,660/- plus late of Rs.2000/- to Rs.20,000/- per ST-3 return and penalty of Rs.10,000/- as

was imposed under section 70 of the Chapter V of the Finance Act, 1994.

3. It is stated in para-3 of Civil Application No.9807 of 2018 that the amount of disputed Cenvat Credit in the case is the Rs.27,45,147/- plus interest plus penalty of Rs.13,72,574/- under section 11AC of the Central Excise Act, 1994 r/w Rule 15(2) of Cenvat Credit Rules, 2004.

4. In view of submissions of Mr. Ladda, learned Counsel, we allow the applications. The appeals are allowed to be withdrawn. Both the appeals are disposed of accordingly.

[S.M.GAVHANE,J.] **[PRASANNA B.VARALE,J.]**