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

CENTRAL EXCISE APPEAL NO. 36 OF 2015

The Commissioner of Central Excise and Service Tax ... Appellant

Versus

M/s. Sampatrao Deshmukh Oos Utpadak ... Respondent
Todni and Vahtuk Sahakari Sanstha Maryadit
Sampatnagar

Mr. Pradeep S. Jetly, with Mr. J.B. Mishra, for the Appellant.

**CORAM: M.S.SANKLECHA &
RIYAZ I. CHAGLA, JJ.**
DATED: 17TH SEPTEMBER, 2018

PC:-

1. The Appeal was admitted on 29th February, 2016. This Appeal under Section 83 of the Finance Act, 1994 read with Section 35G of Central Excise Act, 1944 challenges the order dated 10th September, 2014 passed by Customs, Excise and Service Tax Appellate Tribunal.

2. Our attention is invited to circular / instruction dated 11 July, 2018 issued by the Central Board of Indirect Taxes and Customs directing the Revenue not to file Appeals to the High Court where the tax effect is less than Rs.50 lakhs. It also directs its officers to withdraw the pending appeals where the tax effect is less than Rs.50 lakhs.

3. Mr. Jetly, the learned counsel appearing in support of the Appeal on instructions from V.N. Thete, Commissioner, CGST, Commissionerate, Kolhapur seeks to withdraw this Appeal. In support of this he tenders a pursis of July, 2018 filed by the Commissioner seeking to withdraw the Appeal in view of the CBIC circular dated 11th July, 2018. The pursis is taken on record and marked 'A' for identification.

4. Hence, the Appeal is dismissed as withdrawn. Refund of Court Fees, as per Rules.

(RIYAZ I. CHAGLA J.)

(M.S.SANKLECHA, J.)