

Sharayu Khot.

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

NOTICE OF MOTION NO. 691 OF 2018

IN

CENTRAL EXCISE APPEAL (L) NO. 152 OF 2018

WITH

CENTRAL EXCISE APPEAL (L) NO. 152 OF 2018

**The Commissioner of CGST & Central
Excise**

**...Applicant/
Appellant**

Versus

Jalaram Agency

...Respondent

Mr. Pradeep S. Jetly, a/w Ms. Krupali Salgaonkar, i/by Mr.
Nikhil Wadikar, for the Applicant/Appellant.

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25 October 2018

ORDER :

1. This Motion has been taken out for condonation of 38 days delay in filing the Appeal under Section 35G of the Central Excise Act, 1944 arising from the impugned Order dated 31st August 2017 passed by the Customs, Excise & Service Tax Appellate Tribunal.

2. On the Motion being called out, Shri. Jetly, the learned Counsel appearing for the Respondent, on instructions states that as the tax effect involved in the Appeal filed by the Revenue is less than the threshold limit to file an Appeal to this Court as provided by the Central Board of Indirect Tax and Customs circular/instructions dated 11th July 2018. Therefore, in view of the above circular/instructions, he is instructed to withdraw the Appeal as well as the present Motion.

3. In fact, Shri. Kiran Verma, the Commissioner, CGST, CE, Commissionerate, has filed a purshis dated 25th October 2018 seeking to withdraw the Appeal. The same is taken on record and marked "A" for identification.

4. In the above view, the Appeal and Notice of Motion both are dismissed as withdrawn.

[RIYAZ I. CHAGLA J.]

[M.S. SANKLECHA, J.]