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

NOTICE OF MOTION NO. 1487 OF 2017
IN
NOTICE OF MOTION NO. 2074 OF 2016
IN
CENTRAL EXCISE APPEAL (L) NO. 96 OF 2013

The Commissioner of Central Excise,
Customs and Service Tax .. Applicant / Orig. Appellant

v/s.

M/s. Chandan Tobacco Co. ..Respondent

Ms. P.S. Cardozo for the applicant / orig. appellant
None for the respondent

CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, J.J.

DATED : 6th SEPTEMBER, 2018.

P.C.

1. This motion has been taken out to recall an order dated 9th January, 2017 passed by this Court dismissing the Notice of Motion No. 2074 of 2016 for want of prosecution. The Motion No.2074 of 2016 was filed for setting aside the order dated 25th July, 2013 of the Prothonotary and Senior Master rejecting the appeal under Rule 986 of the Bombay High Court (Original Side) Rules for non-removal of office objections.

2. Ms. Cardozo, learned Counsel appearing in support of the motion states that she has been instructed to withdraw this motion as the tax effect involved in the appeal, in which this motion has been taken out, is less than the threshold limits of Rs.50 lakhs provided in the Circular / Instructions dated 11th July, 2018 issued by the Central Board of Indirect Taxes and Customs. This application for withdrawal is made by the Counsel on instructions from Mr. Sushant Kumar, Asstt. Commissioner (Legal) CGST, Daman.

3. In the above view, Notice of Motion is dismissed as withdrawn.

(RIYAZ I. CHAGLA, J.) **(M.S. SANKLECHA, J.)**