

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

CENTRAL EXCISE APPEAL NO. 194 OF 2016

The Commissioner of Central Excise
and Customs, Daman Commissionerate .. Appellant

v/s.

M/s. Garden Plast Pvt. Ltd. .. Respondent

Mr. M. Dwivedi for the appellant
Ms. Shaista Pathan a/w Mr. Pankti Haria a/w Ms. Ambrin Khan i/b
Y & A legal for the respondent

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

DATED : 4th JANUARY, 2018.

PC.

1. This appeal under Section 35G of the Central Excise Act, 1944 (the Act) challenges the order dated 29th April, 2008 passed by the Customs, Excise and Service Tax Appellate Tribunal (Tribunal). By the impugned order dated 29th April, 2008, the appeal of the respondent was allowed by the Tribunal.

2. Mr. Dwivedi, learned Counsel appearing for the appellant on instruction from Ms. B. L. Meena, Assistant Commissioner of Central Excise seeks to withdraw this appeal. This for the reason that the quantum of the duty involved herein is less than the threshold limit of

Rs.20 lakhs, as provided in the Central Board of Excise and Customs (CBEC) instructions dated 17th August, 2011 and 17th December, 2015 read with Instruction dated 30th December, 2016 for prosecuting its appeal before this Court.

3. In the above view, the appeal is dismissed as withdrawn.
Refund of Court fees as per Rules.

(RIYAZ I. CHAGLA, J.)

(M.S. SANKLECHA, J.)