

OD - 86

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction [Central Excise]

ORIGINAL SIDE

CEXA/29/2009
IA NO: GA/1/2009
(Old No:GA/1056/2009),
GA/2/2009(Old No:GA/1057/2009)

COMMISSIONER OF CENTRAL
EXCISE KOLKATA-II

VS

M/S. VENUS PUMP & ENGINEERING
WORKS

BEFORE :

THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI

And

THE HON'BLE JUSTICE RAJARSHI BHARADWAJ

Date : 21st December, 2023

Appearance :

Sri Uday Shankar Bhattacharya, Adv.

Sri Tapan Kumar Bhanja, Adv.

Smt. Banani Bhattacharya, Adv.

..for the appellant.

1. Heard Sri U.S. Bhattacharya, learned counsel for the appellant. This Central Excise Appeal under Section 35G of the Central Excise Act, 1944 along with the delay condonation application has been filed to challenge the impugned order dated 14/15.5.2008 in Central Excise Appeal No.ESM-296/05 and Excise Appeal No.ESM-297/05 being Order No.A-555-556/Kol/08 passed by the Customs, Excise and Service Tax Appellate Tribunal, East Zonal Bench, Kolkata.

2. We have perused the delay condonation application.

3. The appeal was filed on 21.4.2009 with a delay of 146 days. A vague explanation has been offered for the delay. Even no explanation has been offered for the delay for the period

from 19.3.2009 and 21.4.2009. Under the circumstances, the delay in filing the appeal cannot be condoned. Consequently, the delay condonation application is rejected. Resultantly the appeal also stands dismissed. All pending applications, if any, also stand rejected.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)

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