

IN THE HIGH COURT OF JHARKHAND AT RANCHI

T.A. No.27 of 2012

With

I.A. 3103 of 2012

M/s. Amba Re-Rolling Mill Pvt. Ltd., Adityapur, Jamshedpur... Appellant
Versus

Union of India and another Respondents

CORAM: HON'BLE MR. JUSTICE D. N. PATEL
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Appellant: M/s. Biren Poddar, N.K. Pasari, Ranjana Mukherjee
For the Respondents: Mr. Ratnesh Kumar

28/Dated: 28th of July, 2015

Per D.N. Patel, J

- 1) This appeal has been preferred by the appellant-Company against an order passed by the CESTAT, Kolkata dated 03.07.2012 in Excise Appeal No.582/2010, arising out of Order-in-Original No.27/Commissioner/10 dated 30.03.2010 passed by the Commissioner of Central Excise & Service Tax, Jamshedpur, along with stay application whereby CESTAT passed an order of stay if there is a deposit of 25% of the duty confirmed excluding the amount of Rs.15.00 Lakhs already deposited by the petitioner-company, but as the said amount has not been deposited, his appeal has also been dismissed.
- 2) Having heard learned counsels for both sides and looking to the facts and circumstances of the case, it appears that the appellant-company has already closed down its factory premises from 2009 and in the balance sheet there is a loss of Rs.4,20,789/- during the 2011-12. It further appears that CESTAT, Kolkata has already pointed out the aforesaid facts in paragraph 15 of the order dated 03.07.2012 and it has also been pointed out that the appellant had a net current asset of approximately Rs.3.00 crores as on 31st March, 2011 and, therefore, 25% of the duty has to be paid and thereafter the appeal preferred by the Company has to be heard. It appears that in the interest of justice, it would be suffice to say that the appellant shall deposit approximately 10% of the duty excluding Rs.15.00 Lakhs already deposited.
- 3) Thus, we, hereby, direct the appellant to deposit Rs.9.00 Lakhs before the CESTAT, Kolkata, within a period of four weeks from today. If the deposit of Rs.9.00 Lakhs is made within the aforesaid period, the appeal being Excise Appeal No.582/2010 will be revived and will be heard by CESTAT, Kolkata on its own merits.
- 4) This appeal is allowed and disposed of accordingly.
- 5) I.A. No.3103 of 2012 also stands disposed of in view of the final order passed in the main appeal.

(D. N. Patel, J)

(Ratnaker Bhengra, J)

Manoj/