**(2014) 12 CESTAT CK 0004**

**In the Customs, Excise And Service Tax Appellate Tribunal**

**Case No :** Appeal No. 55230 Of 2013

M/s Sahara Ex Serviceman Welfare Co Operative Society Ltd APPELLANT

Vs

CCE, Jaipur RESPONDENT

**Date of Decision :** 02-12-2014

**Acts Referred:**

Finance Act, 1994 — Section 83
Central Excise Act, 1944 — Section 35F

**Citation :** (2014) 12 CESTAT CK 0004

**Hon'ble Judges :** G. Raghuram, J;R. K. Singh, Technical Member

**Bench :** Division Bench

**Advocate :** Mansi Garg, Sanjay Jain

**Final Decision :** Dismissed

## Judgement

1. On 23.9.2014, the stay application was disposed of directing deposit of Rs.40 lakhs (as agreed on behalf of the appellant) within six weeks and to

report compliance today. This order noted that Counsel for the appellant agreed to the deposit of Rs.40 lakhs (in addition to Rs.7.5 lakhs already

deposited and appropriated vide para 40 (i) of the impugned adjudication order).

2. When the matter is taken up for recording compliance today, Id. Counsel Ms. Mansi Garg for the appellant states that the appellant is contemplating

an appeal against the pre-deposit ordered on 23.9.2014.

3. As the appellant failed to make the agreed pre-deposit in terms of the order dated 23.9.2013, the appeal stands dismissed in terms of Section 35F of

Central Excise Act, 1944 as is applicable to appeals against service tax assessments qua Section 83 of the Finance Act, 1994.

 