

**(2014) 12 DEL CK 0362**

**In the Delhi High Court**

**Case No :** CEAC No. 63 of 2014 and C.M. Nos. 11645-11646 of 2014

SRV Print Pack Pvt. Ltd.

APPELLANT

Vs

Commissioner of C. Ex.

RESPONDENT

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

**Acts Referred:**

**Citation :** (2015) 317 ELT 249

**Hon'ble Judges :** Siddharth Mridul, J; Badar Durrez Ahmed, J

**Bench :** Division Bench

**Advocate :** Naveen Mullick, Advocates for the Appellant; Kamal Nijhawan, Sr. Standing Counsel and Sumit Gaur, Advocates for the Respondent

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## **Judgement**

1. CM No. 11645/2014 (Condonation of Delay) : The delay in filing the appeal is condoned. The application stands disposed of.

CEAC 63/2014 and CM No. 11646/2014 (Stay)

The learned counsel for the petitioner states that the prayers in this writ petition are not properly stated. He further submits that the only grievance in this writ petition is in respect of the order dated 11-11-2013, whereby the ROA Application No. E/ROA/4641/2012 was dismissed after rejection of the adjournment application which had been moved on behalf of the petitioner's advocate Ms. Aditi Pandey. It is stated by the learned counsel for the petitioner that the said Ms. Aditi Pandey, Advocate was in a family way and she had sought an adjournment in November, 2013 because of her condition. The Customs, Excise and Service Tax Appellate Tribunal did not accept the request for adjournment and rejected the said ROA for non-prosecution.

2. Considering the above, particularly, the request made by the said Advocate Ms. Pandey, we set aside the order dated 11-11-2013 and direct the parties to appear before the Tribunal on 5-1-2015 in the first instance for deciding the ROA in accordance with law. The writ petition stands disposed of. The pending application also stands disposed of Dasti.