

REGISTEREDSPEED POST

GOVERNMENT OF INDIA
 MINISTRY OF FINANCE
 (DEPARTMENT OF REVENUE)
 8th Floor, World Trade Centre,
 Centre - I, Cuffe Parade,
 Mumbai-400 005

F.No. 373/130/DBK/13-RA / 2/21/18

Date of Issue 28.11.2018

ORDER NO. 855/2018-CUS (SZ) / ASRA / MUMBAI/ DATED 26.10.2018
 OF THE GOVERNMENT OF INDIA PASSED BY SHRI ASHOK KUMAR
 MEHTA, PRINCIPAL COMMISSIONER & EX-OFFICIO ADDITIONAL
 SECRETARY TO THE GOVERNMENT OF INDIA, UNDER SECTION 129DD
 OF THE CUSTOMS ACT, 1962.

Applicant : M/s. Virchow Laboratories Ltd. Hyderabad

Respondent : Commissioner of Customs, Central Excise, Hyderabad-IV.

Subject : Revision Application filed, under Section 129DD of the
 Customs Act, 1962 against the Order-in-Appeal No.81-88/
 2013(H-IV)CE dated 30.09.2013 passed by Commissioner
 Central Excise and Service Tax (Appeals-II), Hyderabad.



ORDER

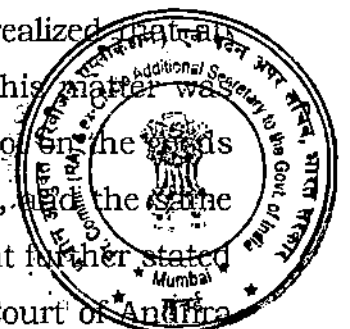
The instant Revision Application has been filed by Virchow Laboratories Ltd. Hyderabad, (hereinafter referred to as "the applicant") against from the Order in-Appeal No.81-88/2013(H-IV)CE dated 30.09.2013 passed by Commissioner, Central Excise and Service Tax (Appeals-II), Hyderabad.

2. The issue in brief is that the applicant a manufacturer of Bulk Drugs falling under the Chapter Heading No.29350011 of the Central Excise Act,1985. The applicant had filed 8 claims of Customs Duty draw back which were rejected by the original adjudicating authority i.e. Deputy Commissioner, Hyderabad-N Division, Hyderabad-IV Commissionerate vide Order in Original No. 1 to 8/2013- 14 dtd. 17.05.2013, 5 on the grounds of time bar and 3 on the ground that drawback was not payable as the applicant had imported some inputs without duty under Advance licenses.

3. Being aggrieved by the said Orders-in- Original, applicant filed appeal before Commissioner (Appeals), who vide Order in Appeal No.81-88/2013(H-IV)CE dated 30.09.2013 upheld the Orders of original Adjudicating Authority.

4. Being aggrieved with the impugned Orders-in-Appeal, the applicant has filed the instant Revision Application under Section 129 DD of the Customs Act, 1962 before the Central Government on various Grounds.

5. A personal hearing in the matter was fixed on 24.10.2018, however, the applicant vide letter dated 22.10.2018 informed that after filing the RA No. 373/130/DBK/13-R.A, before the Joint Secretary (RA), they realized that the appeal would lie to the CESTAT, since the issue involved in this matter was rejection of drawback on the goods supplied to SEZ unit, and not on the goods exported out of India, hence they filed appeal to the CESTAT, and the same was also disposed of by the CESTAT against them. The applicant further stated in the said letter that they have filed an appeal in the High Court of Andhra Pradesh & Telengana in Hyderabad against the Tribunal Order and in view of



this they prayed that their Revision Application No. 373/130/DBK/13-R.A. may kindly be treated as withdrawn.

6. Government notes that the applicant has requested for withdrawal of the Revision Application vide letter dated 22.10.2018 as they had filed appeal before CESTAT against Order in Appeal No.81-88/2013(H-IV)CE dated 30.09.2013 and the same was also decided by CESTAT. Under such circumstances, Government allows the applicant to withdraw the Revision Applications bearing 373/130/DBK/13-RA.

7. The instant Revision Application is dismissed as withdrawn.

8. So, ordered.

Ashok Kumar Mehta
26.10.2018

(ASHOK KUMAR MEHTA)
Principal Commissioner & Ex-Officio
Additional Secretary to Government of India

ORDER No. 855/2018-CUS (SZ) /ASRA/ DATED 26.10.2018

To,

M/s Virchow Laboratories Ltd.,
Plot No. 4-10, S.V. Co-op. Indl. Estate,
I.D.A. Jeedimetla, Hyderabad-500 055.

ATTESTED

B. LOKANATHA REDDY
Deputy Commissioner (R.A.)

Copy to:

1. The Commissioner, CGST , Medchal Commissionerate, GST Bhavan, Basheerbagh, Hyderabad-500 004.
2. The Commissioner CGST (Appeals-II), GST Bhavan, Basheerbagh, Hyderabad-500 004.
3. Sr. P.S. to AS (RA), Mumbai.
4. Guard File.
5. Spare Copy.

