

12/06/15

**By Fax/Speed Post**  
**MOST IMMEDIATE**

**SUPREME COURT MATTER**

F.No. 276/186/2015-CX.8A  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs  
(Legal Cell)

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'C' Wing, 5<sup>th</sup> Floor, HUDCO-VISHALA Building  
Bhikaji Cama Place, R.K. Puram,  
New Delhi-66: dated the 01.06.2015.

To

1. The Principal Commissioner,  
Service Tax II Commissionerate,  
Bengaluru.
2. [webmaster.cbec@icegate.gov.in](mailto:webmaster.cbec@icegate.gov.in) with request for uploading this letter on to the CBEC website (under deptt\_offcr/circ-ins.htm) at the earliest.

Sir,

**Sub: Proposal to file Special Leave Petition (SLP) against Order dated 11-3-2015 of the Hon'ble High Court of Karnataka in Writ Appeal No. 2769/2013 filed by M/s. Madura Coats Pvt Ltd, Bengaluru-Reg.**

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I am directed to refer to your SLP proposal C.No.IV/03/249/2013/Legal ST II dated 17.04.2015 and Chief Commissioner, Central Excise and Service Tax, Bengaluru Zone letter dt. 07.05.2015 on the above subject.

2. The matter has been examined in the Board. Board has decided that this case does not deserve filing of SLP. The order 11.03.2015 of the Hon'ble High Court dated should be implemented forthwith. In this regard, I am further directed to invite your attention to para (3) of Circular No. 572/9/2001-CX dt. 22.02.2001 regarding disposal of refund/rebate claims where application is pending at appellate level, which provides as under:-

**(3) The cases where refund arises due to order of Commissioner (Appeals) or Commissioner of Central Excise/ Customs and decision is taken to contest them before CEGAT.**

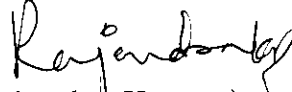
*In such cases appeal/stay application should be filed expeditiously well before the expiry of stipulated period of three months (and not waiting for the last date of filing of appeal). However, no refund/rebate claim should be withheld on the ground that an appeal has been filed against the order giving the relief, unless stay order has been obtained. It would be the responsibility of the concerned Commissioner to obtain stay order expeditiously where the orders passed by Commissioner (Appeals) suffer from serious infirmities and it involves grant of heavy refunds.*

[Emphasis supplied]

3. The refund etc allowed in such cases would be subject to the outcome of the appeal.
4. You are accordingly directed that Board's Instruction on refund, which are self contained and unambiguous should be followed meticulously.

This issues with the approval of Chairman(EC).

Yours faithfully,

  
(Rajendra Kumar)  
Director (Legal)  
Ph:011 26162152

Copy to:

The Chief Commissioner of Central Excise and Service Tax, Bengaluru Zone for information and necessary action.