

ANNEXURE -38

(See Rule 6 of the Central Excise(Appeal) Rules, 20...)

FORM NO. E.A.-3

(See Rule 6)

Form of Appeal to Appellate Tribunal under section 35B of the Act
(IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL)

APPEAL No.....of20...

.....Appellant

Vs

.....Respondent

Assessee Code*

Location Code**

PAN or UID***

1. E-mail Address

Phone No.

Fax No.

2. The designation and address of the authority passing the order appealed against.

3. Number and date of the order appealed against.*

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4. Date of communication of a copy of the order appealed against.

5. State/Union territory and the Commissionerate in which the order/decision of assessment/penalty/fine was made.

6. Designation and address of the adjudicating authority in case where the order appealed against is an order of the Commissioner (Appeals).

7. Address to which the notices may be sent to the appellant.

8. Address to which the notices may be sent to the respondent.

9. Whether the decision or order appealed against involves any question having a relation to the rate of duty of excise or to the value of goods for purpose of assessment or not; difference in duty or duty involved, or amount of fine or penalty involved or value of goods involves, as the case may be.

10. (i) Description and classification of goods.

(ii) Period of dispute

* 15 digit PAN-based Registration Number to be mandatorily furnished by registered persons

** Commissionerate/ Division/ Range code to be mandatorily furnished by registered persons

*** To be furnished by non-registered persons

(iii) Amount of duty, if any, demanded for the period mentioned in item (ii)

(iv) Amount of refund, if any, claimed for the period mentioned in item (ii)

(v) Amount of fine imposed.

(vi) Amount of penalty imposed

(vii) Market Value of seized goods.

11. (i) Amount of duty or fine or penalty or interest deposited (A copy of the challan under which the deposit is made shall be furnished).

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(ii) Whether any application for dispensing with such deposit has been made.

12. Three case laws relied on (specify with citations)

i

ii

iii

13. Subject matter of dispute (please choose from below)

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14. Whether the appellant wishes to be heard in person?

15. Reliefs claimed in appeal.

**Statement of facts
Grounds of appeal**

Signature of the authorized
representative, if any.
appellant

Signature of the

Verification

I.....the appellant, do hereby declare that what is
stated above is true to the best of my information and belief.

* 15 digit PAN-based Registration Number to be mandatorily furnished by registered persons
** Commissionerate/ Division/ Range code to be mandatorily furnished by registered persons
*** To be furnished by non-registered persons

Verified today, the.....day of.....20.....

Signature of the authorized
representative, if any.
appellant

Signature of the

Notes.- (1) The grounds of appeal and the form of verification shall, if the appeal is made by

any person, other than the Commissioner of Central Excise be signed by the appellant in accordance with Rule 3.

- (2) The appeal including the statement of facts and the grounds of appeal shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the order appealed against(one of which at least shall be a certified copy).
- (3) The form of appeal shall be in English (or Hindi) and should set forth, concisely and under distinct heads, the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.
- (4) The fee of Rs.20..0.00 required to be paid under the provisions of the Act shall be paid through a crossed bank draft drawn in favour of the Assistant Registrar of the Bench of the Tribunal on a branch of any nationalized bank located at the place where the Bench is situated and the demand draft shall be attached to the form of appeal.

ANNEXURE-39

(See Rule 6(2) of the Central Excise (Appeal) Rules, 20...)

FORM NO. E.A. – 4

[(See Rule 6(2)]

Form of Memorandum of Cross-objections to the Appellate Tribunal under section 35B of the Act.

(IN THE CUSTOMS, EXCISE, AND SERVICE TAX APPELLATE TRIBUNAL)

Cross-objection No.....20...

In Appeal No.....of 20...

.....Appellant
Vs.

.....Respondent

Assessee Code*

Location Code**

PAN or UID***

1. E-mail Address

Phone No.

Fax No.

2. State/Union Territory and the Commissionerate in which the order/decision of assessment/penalty/fine was made.

3. Date of receipt of notice of appeal or application filed with the Appellate Tribunal by the appellant or as the case may be, the Commissioner of Central Excise.

4. Number and date of the order appealed against.*

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5. Address to which notices may be sent to the respondent.

6. Address to which notices may be sent to the appellant/applicant.

7. Whether the decision or order appealed against involves any question having a relation to the rate of duty of excise or to the value of goods for purposes of assessment; if not, difference in duty or duty involved, or amount of fine or penalty involved or value of goods involved, as the case may be.

8. (i) Description and classification

a. Period of dispute

b. Amount of duty, if any, demanded for the period mentioned in item(ii)

c. Amount of refund, if any claimed for the period mentioned in item(ii)

d. Amount of fine imposed.

e. Amount of penalty imposed.

f. Market value of seized goods.

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*** To be furnished by non-registered persons

9. Three case laws relied on (specify with citations)

i

ii

iii

10. Subject matter of dispute (please choose from below)

11. Relief claimed in the memorandum of cross-objections.

Grounds of Cross-objection

Signature of the authorized
representative, if any.
Respondent

Signature of the

Verification

I,.....the respondent, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, theday of.....20.....

Signature of the authorized
representative, if any.
Respondent

Signature of the

- Notes.-** (1) The grounds of cross-objections and the form of verification shall be signed by the respondent in accordance with the provisions of Rule 3.
- (2) The form of memorandum of cross- objection shall be filed in quadruplicate.
- (3) The form of memorandum of cross-objections should be in English or Hindi and should set forth, concisely and under distinct heads the grounds of the cross-objections without any argument or narrative and such grounds should be numbered consecutively.
- (4) The number and year of appeal/application as allotted by the office of the Appellate Tribunal and appearing in the notice of appeal/application received by the respondent is to be filled in by the respondent.

ANNEXURE – 40

[See Rule 7 of the Central Excise(Appeal) Rules, 20...]

FORM NO. E.A.-5

(See Rule 7)

Form of application to appellate Tribunal under sub-section(1) of section 35B of the Act.

[IN THE CUSTOMS AND SERVICE TAX APPELLATE TRIBUNAL]

APPEAL NO.....of.....20...

.....Applicant

Vs.

.....Respondent

Assessee Code*

Location Code**

PAN or UID***

1. E-mail Address

Phone No.

Fax No.

2. Designation and address of the applicant (If the applicant is not the adjudicating authority, a copy of the authorization from the Commissioner of Central Excise to make the application should be enclosed).

3. Name and address of the respondent.

4. Number and date of the order appealed against.*

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5. Designation and address of the officer passing the decision or order in respect of which this application is being made and the date of the decision or order.

6. State/Union Territory and the Commissionerate in which the decision or order was made.

7. Date on which order under sub-section (1) of section 35E of the Act has been passed.

8. Date of communication of the order referred to in (3) above to the adjudicating authority.

9. Whether the decision or order appealed against involves any question having a relation to the rate of duty or excise or to the value of goods for the purposes of assessment; if not, difference in duty or duty involved, or amount of fine or penalty involved or value of goods involved, as the case may be.

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** Commissionerate/ Division/ Range code to be mandatorily furnished by registered persons

*** To be furnished by non-registered persons

10. (i) Description and classification of goods.
(ii) Period of dispute\
(iii) Amount of duty, if any, demanded for the period mentioned in column(ii)
(iv) Amount of refund, if any, claimed for the period mentioned in column (ii)
(v) Amount of fine imposed
(vi) Amount of penalty imposed
(vii) Market value of seized goods.
11. (i) Amount of duty or fine or penalty or interest deposited (A copy of the challan under which the deposit is made shall be furnished).
- (ii) Whether any application for dispensing with such deposit has been made.
12. Three case laws relied on (specify with citations)
- i
- ii
- iii
13. Subject matter of dispute (please choose from below)
14. Relief claimed in the application.

Statement of facts
Grounds of application

Signature of the authorized representative, if any.

Signature of the applicant

Note.- The form of application including the statement of facts and grounds of application shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the decision or order passed by the Commissioner of Central Excise (one of which at least shall be a certified copy) and a copy of the order passed by the Board under sub-section (1) of section 35E of the Act.

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** Commissionerate/ Division/ Range code to be mandatorily furnished by registered persons
*** To be furnished by non-registered persons