

**In The Customs, Excise & Service Tax Appellate Tribunal**  
**West Zonal Bench At Ahmedabad**

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Application No. E/EH/10650/2016

Appeal No. E/11546/2016

(Arising out of OIO No. SUR-EXCUS-001-COM-002-16-17 dated 18.07.2016 passed by the Commissioner of Central Excise, Customs & Service Tax, Surat-I )

M/s Nutema Life Care Pvt. Ltd. : Appellant (s)

Vs

CCE & ST – Surat-I : Respondent (s)

**Represented by:**

For Appellant (s) : Shri R. Lalwani, Advocate

For Respondent (s): Shri G. Jha, AR

**CORAM :**

**Dr. D. M. Misra, Hon'ble Member (Judicial)**

**Mr. Devender Singh, Hon'ble Member (Technical)**

Date of Hearing/Decision: 05.04.2018

**ORDER No. M/10355/2018**

**Per : Dr. D. M. Misra**

Heard both sides. This is an application filed seeking early hearing of the appeal.

2. Ld. Advocate Shri R. Lalwani for the appellant submits that the appellant are engaged in the manufacture of various Health/nutritional supplements, namely, Protein Powder, Weight Loss Powder, Energy drink "Vinergy" etc. The department proposed to classify the food supplements, under a different chapter heading then declared by the appellant attracting higher rate of duty. Both the directors of the appellant have been put under arrest alleging evasion of duty of more than Rs.1.00 Crore.

3. The directors were released on bails by the Trial Court subject to deposit of amount of Rs. 25.00 lakhs, which they had deposited. He submits that the matter may be heard early and disposed.

3. Ld. AR for the Revenue has no objection.

4. In view of the reasons explained in the application and considering the condition of the bail being complied by the appellant, the Miscellaneous Application (EH) is allowed and the appeal is fixed for hearing on 02.05.2018.

*(Operative part of the order pronounced in the Court)*

**(Devender Singh)**  
Member (Technical)

**(D. M. Misra)**  
Member (Judicial)

G.Y.