

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6323 OF 2015

RattanIndia Power Ltd. ... Petitioner
Vs
1. The Union of India & Anr. ... Respondents

**WITH
WRIT PETITION NO. 6629 OF 2015**

RattanIndia Power Ltd. ... Petitioner
Vs
1. The Union of India & Anr. ... Respondents

Mr. Krishna Rao with Sujit Ghosh and Rajan Mishra i/b Mihir
Deshmukh for the Petitioners.

Mrs. Neeta Masurkar with Dr. Poornima Advani for the Respondents.

**CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.**

MONDAY, 20TH JULY, 2015

P.C. :

1. The only relief that is claimed in these two Writ Petitions is of issuance of a Writ of Mandamus or any other writ, order or direction in nature thereof so that the second respondent, before whom a refund application is lodged, processes the same and in accordance with law.

2. It is claimed in the Writ Petition that the second respondent is an authority appointed under para 2.3 of the Foreign Trade Policy to implement and to give advise on issues related to a foreign trade policy. The refund applications have been filed before him. The subsequent para sets out the backdrop in which the refund is claimed. We are not concerned with this aspect of the matter simply because it is on merits. What we have noted is that the petitioners have specifically averred in the Writ Petitions in paragraphs 10 / 13 that the refund claims have been filed on 26th August, 2014, claiming refund in Indian rupees in the sum specified therein, but the refund applications have not been processed till date. The Writ Petitions are filed in this Court on 7th May, 2015.

3. Upon hearing both sides and in such peculiar backdrop, we decline the request of Mrs. Masurkar to grant adjournment so as to enable her to take instructions and file a reply. The Additional Director General of Foreign Trade is stated to have instructed her to apply for an adjournment by two weeks.

4. We would have been very happy if the Additional Director General of Foreign Trade had instructed Mrs. Masurkar to state before the Court that the refund applications would be processed expeditiously and an order will be passed thereon so also communicated to the petitioners. Instead, such instructions result in more delay and which is detrimental to either parties' interests.

5. In the circumstances and after declining the adjournment, we direct processing of the refund applications and as expeditiously as possible. The applications be processed and the outcome thereof be communicated to the petitioners within a period of eight (8) weeks from the date of receipt of a copy of this order. We clarify that we have not expressed any opinion either on the maintainability or on the merits of the refund applications. The Writ Petitions are disposed of accordingly.

G.S. KULKARNI, J.

S.C. DHARMADHIKARI, J.