

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WA.No. 593 of 2015 (M) IN WP(C).1121/2015

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AGAINST THE ORDER/JUDGMENT IN WP(C) 1121/2015 of HIGH COURT OF KERALA DATED
15-01-2015**

APPELLANT(S)/PETITIONER:

**M.P.MOHAMMED KURIKKAL,
PROPRIETOR, M/S.KURIKKAL EXPORTS PVT. LT.
(M/S.KURIKKAL OVERSEAS EXPORTS),
"SUHANA", PANDIKKAD ROAD,
MANJERY, MALAPPURAM.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S):

- 1. THE ASSISTANT COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE,
WELLINGTON ISLAND,
COCHIN - 682 003.**
- 2. THE DEPUTY COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE,
WELLINGTON ISLAND,
COCHIN - 682 003.**
- 3. THE DEPUTY COMMISSIONER OF CUSTOMS (DRAW BACK),
CUSTOM HOUSE,
WELLINGTON ISLAND,
COCHIN - 682 003.**
- 4. THE COMMISSIONER (APPEALS),
CUSTOM HOUSE,
WELLINGTON ISLAND,
COCHIN - 682 003.**
- 5. THE ASSISTANT COMMISSIONER,
CUSTOMS PREVENTIVE DIVISION,
7TH FLOOR, CENTRAL REVENUE BUILDINGS,
MANANCHIRA, CALICUT - 673 001.**

R1-R5 BY ADV. SRI.JOHN VARGHESE,SC,CENTRAL BOARD OF EXCISE

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

W.A.No.593 of 2015
&
C.M.Appl.No.328 of 2015

Dated this the 17th day of March, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This writ appeal against the judgment of the learned single Judge comes up with an application seeking condonation of delay. We thought it appropriate to examine the merits of the case as well.
- 2.We have heard the learned counsel for the appellant and the learned counsel for the Central Board of Excise and Customs.
- 3.The appellant obtained various amounts by way of duty draw back, pursuant to exports effected by him. Subsequently, he was served with notices seeking recovery of the amounts paid to him by way of draw back. The adjudication proceedings under the Act culminated against the appellant. The demands

stood confirmed. When proceedings were taken for attachment in the course of recovery, the appellant sought for an installment facility. Pending that application, he moved the learned single Judge. The learned single Judge has granted the petitioner ten installments, payable from 15.2.2015 and has ordered that the recovery proceedings should be kept in abeyance, if such installments are paid. We do not see any ground to interfere with the judgment of the learned single Judge. This writ appeal, therefore, fails.

In the result, C.M.Application and writ appeal are dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG