

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 1886 of 2016
AND
Misc. Civil Application [Review] St. No. 21128 of 2016
IN
Writ Petition No. 4398 of 2003 [decided]
[Kanhaiyalal Jodhalal Goyal Vs. State of Mah. & others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. Badal Lonare, Adv., for Applicant [original petitioner].
Mr. N.R. Rode, AGP for respondent nos. 1 to 3.

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CORAM : A.S. CHANDURKAR, J.

DATE : 21st October, 2016

Heard the learned counsel for the Applicant and Mr. Rode, learned Asstt. Govt. Pleader for respondent nos. 1 to 3.

The applicant seeks enhancement in the amount of interest that has been awarded while deciding the Writ Petition. The amounts directed to be refunded to the applicant were for the period from 4th August, 2003 till realization with interest at the rate of six per cent per annum. According to the applicant, in view of the decisions of the Hon'ble Supreme Court in [1] **Union of India & others Vs. I.T.C. Ltd.** [AIR 1993 SC 2135], and [2] **Sunrays Engineers Pvt. Ltd. Vs. Commissioner**

of Central Excise [2015 DGLS 362] as well as judgment of Division Bench in Customs Appeal No. 56 of 2008 [**United Spirits Ltd Vs. Commissioner of Customs (Import), Mumbai**]; decided on 2nd April, 2009, higher rate of interest ought to be awarded.

Grant of interest at a higher rate cannot be the subject-matter of review. As I do not find any error apparent on the face of record, both the applications are rejected. No costs.

Judge

[hedau]