

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
Dated : 21.12.2016  
Coram  
THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER  
W.P.No.36660 of 2015

M/s. CMS Info Systems Ltd.  
Rep. by its Assistant General Manager (Accounts)  
Mr. Abraham K. Joseph,  
11th Floor, Silver Metropolis,  
W.E. Highway, Goregaun (East),  
Mumbai - 400 063

.. Petitioner

vs.

1. Union of India  
represented by its Secretary,  
Ministry of Finance,  
North Block, New Delhi-110 001.
  2. The Central Board of Excise & Customs,  
Ministry of Finance,  
North Block, New Delhi-100 001.
  3. The Assistant Commissioner of Customs (Refunds),  
Office of the Commissioner of Customs (Chennai-IV),  
Customs House, No.60, Rajaji Salai,  
Chennai-600 001.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the applicability of Notification No.93/2008-Cus, dated 01.08.2008 fixing the time limit of one year for filing of refund claim from the date of payment of Special Additional Duty of Customs (SAD) which amended the Notification 102/2007-Cus, dated 14.09.2007 on the file of respondent No.1 insofar as the petitioner is concerned and the same as null and void as ultra vires the Customs Act, 1962.

\* \* \*

For Petitioner : Mr.S.Muthuvenkataraman

For Respondents: Mr.T.Pramod Kumar Chopda  
Senior Standing Counsel

ORDER

1. Learned counsel for the petitioner says that he has instructions to withdraw the captioned writ petition, in view of the judgement of the Delhi High Court in the case of Sony India Private Limited Vs. Commissioner of Customs, New Delhi, 2014

(304) E.L.T. 660 (DEL.).

2. The writ petition is, accordingly, dismissed as withdrawn. There shall, however, be no order as to costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,  
Ministry of Finance,  
Government of India,  
North Block, New Delhi-110 001.
2. The Central Board of Excise & Customs,  
Ministry of Finance,  
North Block, New Delhi-100 001.
3. The Assistant Commissioner of Customs (Refunds),  
Office of the Commissioner of Customs (Chennai-IV),  
Customs House, No.60, Rajaji Salai,  
Chennai-600 001.

+1 cc to Mr.S.Muthuvenkataraman Advocate sr 75998

+1 cc to M/s.T.Pramod Kumar Chopda Advocate sr 74575

सत्यमेव जयते

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