

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.30759/2016 & WMP.No.26653/2016

Classic Exports, rep.by
Nishant Doshi, Old No.88,
New No.181, Angappa Naicken St.,
Chennai-1. .. Petitioner
Vs

1.The Principle Commissioner
of Customs, Chennai VII, New
Customs House, Meenambakkam
Chennai-27.

2.The Assistant Commissioner of Customs
Refunds-Drawback [Group]
New Customs House, Meenambakkam
Chennai 600 027. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to disburse drawback amount entitled to the petitioner along with applicable interest till the date of disbursement of the drawback claim.

For Petitioner : Mr.T.Chezhiyan
For Respondents : Mr.S.R.Sundar, SPC

ORDER

Heard Mr.T.Chezhiyan learned counsel appearing for the petitioner and Mr.S.R.Sundar, learned Senior Panel Counsel appearing on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner seeks for a direction upon the respondents to disburse the drawback amount along with the interest till the date of disbursement.

3 Mr.S.R.Sundar, learned Senior Panel Counsel appearing for the respondents would submit that pertaining to the issue involved in this writ petition, the Central Bureau of Investigation [CBI] had registered a case and ultimately, the petitioner has been acquitted.

4 Nevertheless, the original records are still with the CBI and therefore, the Department has addressed the CBI for return of the records and it is not known as to whether the CBI is going to prefer any appeal before the Hon'ble Supreme Court against the decision of this Court in Crl.RC.No.1238 and 1263/2010 dated 06.11.2015.

5 In the light of the above, there will be a direction to the 2nd respondent to intimate the above fact in writing to the petitioner and inform the petitioner about the reasonable time that they may require in the matter, pursuant to which the petitioner shall wait for a reasonable time and if still no action has been initiated, it is open to the petitioner to take recourse in accordance with law.

6 The writ petition stands disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

28.09.2016

AP

T.S.SIVAGNANAM, J.

AP

To

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of Customs, Chennai VII, New
Customes House, Meenambakkam
Chennai-27.

2.The Assistant Commissioner of Customs
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