

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-2166-2016

Date of decision:- 03.02.2016

M/s Omaxe Limited

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Hemant Bassi, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner merely seeks an order directing the respondents to consider its communication dated 09.07.2013 for refund of the EDC which it alleges it paid in excess.

The petitioner has also represented against a demand notice dated 04.03.2013 for enhanced EDC of about Rs. 8.15 crores.

2. As far as the demand for enhanced EDC is concerned, we see no reason to interfere at this stage. As and when the respondents take any action for not fulfilling the demand, the petitioner would always be at liberty to challenge the same.

3. As far as the petitioner's grievance for excess EDC is concerned, if the respondents do not respond to the petitioner's representation, the petitioner is always at liberty to adopt appropriate proceedings for the recovery of the excess EDC.

4. It would, however, be preferable to avoid any unnecessary litigation if the respondents respond to the petitioner's notice dated 09.07.2013.

We make it expressly clear, however, that this order ought not to be construed as creating rights in favour of the petitioner including saving the bar of limitation, if any, in proceedings that the petitioner may adopt.

5. Needless to clarify that the contentions of the parties on all questions of fact and of law are kept open.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.02.2016
Amodh