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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6239/2016**

NANKI FASHIONS THROUGH ITS PROPRIETOR Petitioner

Through: Mr. Piyush Kumar, Advocate.

versus

COMMISSIONER OF CUSTOMS (EXPORTS) Respondent

Through: Mr. Ajay Kalra and Abhishek Ghai,

Advocates for Mr Sanjeev Narula, Standing Counsel.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE NAJMI WAZIRI

ORDER

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20.07.2016

CM No. 25581/2016 (Exemption)

1. Allowed subject to all just exceptions.

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2. The short prayer made in the present petition is that Rs. 10 lakhs deposited by the Petitioner, pending decision in the appeal filed before the Customs, Excise & Service Tax Appellate Tribunal ('CESTAT') should be refunded to the Petitioner. It is pointed out that despite the Petitioner having succeeded before the CESTAT, which delivered an order in its favour on 8th March 2016, and despite reminders dated 21th April 2016 and 20th May 2016, the Respondents have not still made the refund.

3. Learned counsel for the Respondent says that if a time bound direction is issued it will be adhered to.

4. The Respondent is directed to decide the applications/representations made by the Petitioner on 21th April 2016 and 20th May 2016 (copies at Annexures P-4 and P-5) not later than four weeks from today. It is made clear that the refund should be given together with any interest that is due, in accordance with law. A copy of the decision be communicated to the Petitioner not later than one week after it is taken. If the Petitioner is aggrieved by such decision, it will be open to the Petitioner to seek appropriate remedy in accordance with law.

5. The petition is, accordingly, disposed of.

6. *Dasti.*

S.MURALIDHAR, J

NAJMI WAZIRI, J

JULY 20, 2016

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