

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. No.5773 of 2017

M/s.Ram-Nath & Co Pvt Ltd.,  
Represented by its Director,  
Mr.V.Harinarayanan,  
C16 & 17, Thiru-Vi-Ka Industrial Estate,  
Guindy, Chennai 600 032. ... Petitioner

Vs

1. Deputy Commissioner of Customs (Gr-2)  
Custom House, No.60, Rajaji Salai,  
Chennai 600 001.
2. The Assistant Commissioner of Customs (Refunds)  
Custom House, No.60, Rajaji Salai,  
Chennai 600 001. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents to re-assess the bill of entry No.5990502 dated 02.07.2014 in terms of the power conferred to him under Section 149 and Section 154 of the Customs Act, 1962 by calculating anti-dumping duty payable at the rate of 33.62 per MT and further direct the second respondent to refund the excess anti-dumping duty wrongly collected.

For Petitioner : Mr.G.Derrick Sam

For Respondents: Mrs.Hema Murali Krishnan  
Central Government Standing Counsel

ORDER

The petitioner seeks for a writ of mandamus directing the respondents to re-assess the bill of entry No.5990502 dated 02.07.2014 in terms of the power conferred to him under Section 149 and Section 154 of the Customs Act, 1962 by calculating anti-dumping duty payable at the rate of 33.62 per MT and further direct the second respondent to refund the excess anti-dumping duty wrongly collected.

2. Both Mr.G.Derrick Sam, learned counsel appearing for the petitioner and Mrs.Hema Murali Krishnan, learned Central Government Standing Counsel appearing for the respondents submitted that the issue involved in this case is covered by the decision of this Court made in W.P.No.3486 of 2016 dated 18.04.2017.

3. Therefore, the learned counsel appearing for the respondents submitted that the request of the petitioner for refund of the excess customs duty will be considered and appropriate orders will be passed, in the light of the order passed in W.P.No.3486 of 2016 dated 18.04.2017.

4. Recording the above said submissions made by learned counsel on either side, the writ petition is disposed of, directing the second respondent to pass orders on the refund claim made by the petitioner in accordance with law and in the light of the order of this Court passed in W.P.No.3486 of 2016 dated 18.04.2017, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq

1. The Deputy Commissioner of Customs (Gr-2)  
Custom House, No.60, Rajaji Salai,  
Chennai 600 001.
2. The Assistant Commissioner of Customs (Refunds)  
Custom House, No.60, Rajaji Salai,  
Chennai 600 001.

+1cc to M/S.Hari Radhakrishnan, Advocate Sr.43482  
+1cc to M/S.Hema Murali Krishnan, Advocate Sr.43381

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srg 29/06/2017