

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

The Hon'ble Mr. Justice T.S.Sivagnanam

W.P.No.26382 of 2017

M/s. Lucky International,
Rep. By its Proprietor,
Shri. R. Nathyananthan,
12/25, Dr. Karunanidhi Nagar,
Annai Anjugam Nagar, Chennai-600 082.
... Petitioner
Vs.

The Deputy Commissioner of Customs (Refunds),
No.60, Rajaji Salai,
Customs House, Chennai-600 001. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondent to sanction the refund claim. Vide SR.No.4615 of 2016 dated 01.11.2016.

For Petitioner : Mr.G.Derrick Sam
For Respondent : Mrs.R.Hemalatha
Senior Panel Counsel

O R D E R

Heard Mr.G.Derrick Sam, the learned counsel appearing for the petitioner and Mrs. R. Hemalatha, the learned Senior Panel Counsel, accepting notice on behalf of the respondent. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for disposal.

2. The petitioner seeks for a direction upon the respondent to consider and sanction the refund claim submitted by the petitioner, which has been taken on file in SR.No.4615 of 2016. The petitioner's authorised representative was informed by the Assistant Commissioner (Refunds), vide letter, dated 25.01.2016 that the request for sanction and refund made vide Application, dated 16.01.2017 is being processed after tracing of the files; details regarding sale proceeds has been requested from the UN-Cleared Cargo Section; and orders

regarding the sanction of refunds would be issued shortly. Though the said communication is dated 25.01.2016, it was served on the petitioner only on 02.03.2017. It appears that the date has been wrongly mentioned as 25.01.2016 instead of 25.01.2017. This is so, because, communication refers to the petitioner's refund claim, dated 16.01.2017. Therefore, obviously, the communication being made after 16.01.2017, should be dated 25.01.2017.

3. Be that as it may, now the application is pending consideration before the respondent.

4. In the light of the above undisputed fact, there will be a direction to the respondent to consider the petitioner's refund claim and pass appropriate orders on merits and in accordance with law within the period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bri/sd

To

The Deputy Commissioner of Customs(Refunds),
No.60, Rajaji Salai,
Customs House, Chennai-600 001.

+1cc to Mr.Hari Radhakrishnan, Advocate, S.R.No.73014
+1cc to Ms.R.Hemalatha, Advocate, S.R.No.72791

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