

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGANANAM

W.P.No.18002 of 2004

M/s.K.Parthasarathy Spinning Mills,
Rep. By its Partner
P.Gopalakrishnan

.. Petitioner

Vs.

1.The Assistant Commissioner of Central Excise,
Pollachi Division.

2.The Superintendent of Central Excise,
Udumalpet II Range,
No.4 Nehur Street, Extension,
Udumalpet 642 126.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of he 2nd respondent in O.C.No.282/2004 dated 21.05.2004 and quash the same as unsustainable and without authority of law and further restrain the respondents from taking any coercive proceedings for the recovery of the interest amount of Rs.3,86,377/- without proper order to that effect.

For Petitioner : Mr.Mudimannan
for Mr.K.Jayachandran

For Respondents : Mr.K.S.Ramasamy,
Junior Panel Counsel
ORDER

Heard Mr.Mudimannan, learned counsel, for Mr.J.Jayachandran, learned counsel for the petitioner and Mr.K.S.Ramasamy, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this Writ Petition challenging the demand for payment of interest under the provisions of the Central Excise Act. Admittedly, the petitioner did not pay the duty within the time framed. Therefore, the payment of interest under Rule 173 G (1) (d) of the Centrail Excise Rules, 1944 is automatic.

3. The learned counsel for the petitioner submitted that no

opportunity was granted.

4. The impugned demand being a statutory interest liability and the petitioner having defaulted in payment of the Excise Duty within the time frame, cannot expect a separate show cause notice to be issued. Therefore, there is nothing wrong in the impugned order. Accordingly the writ petition fails and the same is dismissed. The petitioner is granted three months time to pay the entire amount either in one lump sum or over the period of three months. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vsm

To:

1.The Assistant Commissioner of Central Excise,
Pollachi Division.

2.The Superintendent of Central Excise,
Udumalpet II Range,
No.4 Nehur Street, Extension,
Udumalpet 642 126.

+1cc to Mr.K.R.Ramasamy,Advocate sr.48286

+1cc to Mr.K.Jayachandran,Advocate sr.48364

सत्यमेव जयते

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ss(21/7/2017)_

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