

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 14.07.2017****Coram****The Hon'ble Mr.Justice T.S.Sivagnanam****Writ Petition No.29716 of 2004**

M/s.Dyna Lamps and Glassworks Limited.,
rep. by its Managing Director Mr.Sanjib Sinha

...Petitioner

Vs.

1. The Registrar,
Customs, Excise and Service Tax,
Appellate Tribunal,
Shastri Bhawan, Haddows Road,
Chennai - 600 006.
2. The Commissioner of Customs (Export)
Ministry of Finance,
Customs House,
No.60,Rajaji Salai,
Chennai - 600 001.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the first respondent, in its proceedings bearing NO.C/000138/2001, dated 27.06.2003, and to quash the same, insofar as it relates to para 5 (ii) and 5 (iii) and

consequently, to direct the second respondent to refund the sum of Rs.40,04,000/- to the Bank of Baroda, Industrial Finance Branch, Montieth Road, Chennai along with interest as may be determined by this Court.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.A.P.Srinivas
Senior Panel Counsel

ORDER

Heard Mr.Rahul Balaji, the learned counsel appearing for the petitioner, and Mr.A.P.Srinivas, learned Senior Panel Counsel for the respondents.

2. The petitioner has filed this Writ Petition, praying to set aside the order, dated 27.06.2003, passed by the first respondent, and to direct the second respondent to refund a sum of Rs.40,04,000/- which has been recovered by encashing the petitioner's Bank Guarantee.

3. The learned counsel appearing for the petitioner submitted that, during the pendency of the Writ Petition, the petitioner/Company has been wound up and provisional Liquidator has been appointed. In the light of the same, the Writ Petition is closed, granting liberty to the petitioner to workout

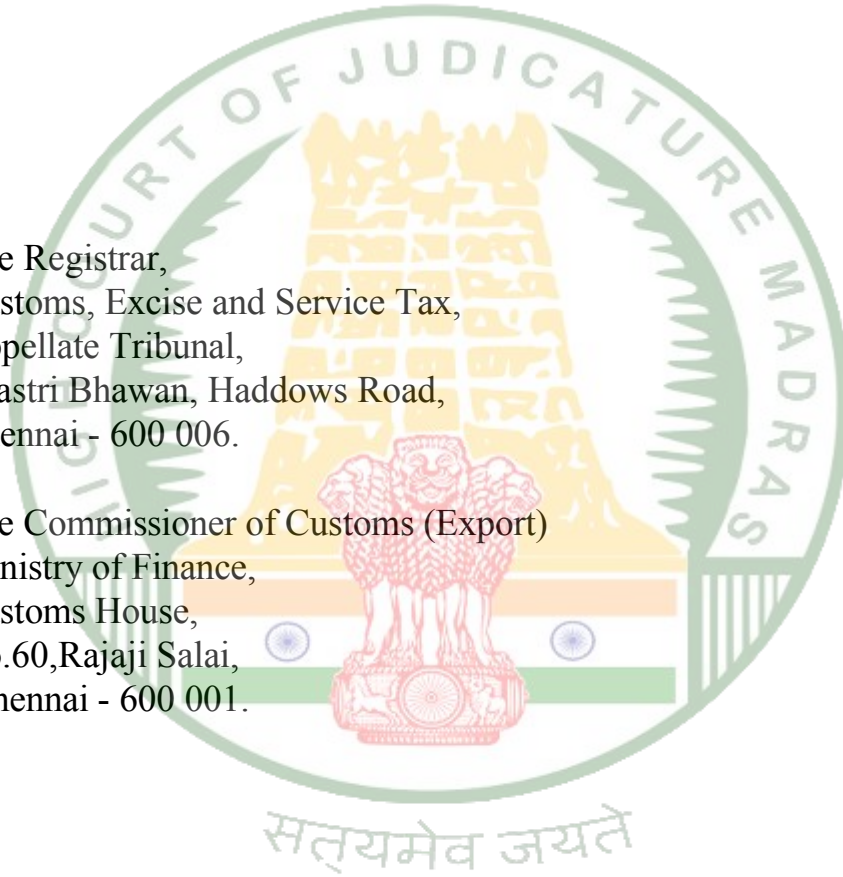
their remedies before the appropriate Forum. No costs.

14.07.2017

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To

1. The Registrar,
Customs, Excise and Service Tax,
Appellate Tribunal,
Shastri Bhawan, Haddows Road,
Chennai - 600 006.
2. The Commissioner of Customs (Export)
Ministry of Finance,
Customs House,
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T.S.Sivagnanam, J.



Writ Petition No.29716 of 2004

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