



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.17661 of 2017

Aqua Designs India Private Ltd.,
Rep. through its Authorized Signatory,
P.Kamal Hasan, S/o.Poorasamy,
having registered Office at
200 Feet Road, Kolathur,
Chennai-99.

... Petitioner

-vs-

1. The District Collector,
Collectorate,
Sivagangai District.
2. The Commissioner,
Sivagangai Municipality,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent herein to consider the petitioners representation dated 10.05.2017 and clear and release the Excess Duty amount to the tune of Rs.1,02,24,488/- (Rupees One Crore Two Lakhs Twenty Four Thousand Four Hundred and Eighty Eight only) due to the petitioner-company in carrying out Water Supply Improvement Scheme to the 2nd Respondent herein as per Exemption of Excise Duty Notification No.12 of 2012 Central Excise dated 17.03.2012 and Certificate of Exemption dated 17.11.2015 issued by the 1st respondent herein within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.D.Nallathambi
For R1	: Mr.T.S.Mohamed Mohideen Addl. Govt. Pleader
For R2	: Mr.P.Srinivas

O R D E R

This writ petition has been filed, seeking to direct the 2nd Respondent herein to consider the petitioner's representation dated 10.05.2017 and clear and release the Excess Duty amount to the tune of Rs.1,02,24,488/- due to the petitioner-company in carrying out Water Supply Improvement Scheme to the 2nd Respondent herein as per Exemption of Excise Duty Notification No.12 of 2012 Central Excise



dated 17.03.2012 and Certificate of Exemption dated 17.11.2015 issued by the 1st respondent herein

2. When the matter is taken up for hearing, the learned counsel appearing for R2 would submit that this petition has become infructuous, as the petitioner's representation dated 10.05.2017 had already been considered and an order came to be passed on 27.09.2017 in Na.Ka.No.3567/E1/2015, which is the subject matter in the subsequent writ petition filed by the petitioner in W.P.(MD) No.19886 of 2017.

3. In view of the above submission, this Court is of the view that nothing survives for further adjudication in this petition. Hence, the writ petition is dismissed as having become infructuous. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Collectorate,
Sivagangai District.
2. The Commissioner,
Sivagangai Municipality,
Sivagangai District.

+ 1 CC TO Mr.P.SRINIVAS, ADVOCATE IN SR No. 87789
+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 87736
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88214

AR

TE/SV-MMS/SAR-2 : 28/11/2017 : 2P/6C

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16.11.2017