

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11973 OF 2017

DATED 06TH NOVEMBER, 2017

Between:

Om Prakash Chalotra Petitioner

AND

Union of India,
Rep. by its Secretary (Revenue),
Department of Revenue,
Ministry of Finance,
Government of India, and others ... Respondents

Counsel for the petitioner : Sri M.R.K.Chakravarthy

Counsel for respondent No. 1 : Assistant Solicitor General

Counsel for respondent Nos. 2 to 4 : Sri M.V.J.K.Kumar

THE COURT MADE THE FOLLOWING

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for the following substantive relief:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the Order dated 24-04-2003 in Proceedings OR.No. 20/2000-Adjn of the 3rd Respondent and the action of the Respondent Authorities in raising demands and in taking steps to proceed further under Section 11 of the Central Excise Act, 1944 including the Notices bearing O.C.No. 0184/16 dated 05-05-2016, O.C.No. 369/2016-17 dated 03-02-2017 and the Reply Letter O.C.No. 603/2016-17 dated 02-03-2017 for recovery of excise duty and other sums allegedly due from the Petitioner after a lapse of more than 12 years and in illegally collecting Rs.1,97,814/- on 06-02-2017 from the Petitioner as illegal, contrary to law and vitiated by malafides, gross violation of principles of natural justice and violative of the provisions of the Central Excise Act, 1944 and Articles 14, 19 (g), 21, 265 and 300-A of the Constitution of India and consequently quash the same and Order refund of Rs.1,97,814/- illegally collected from the Petitioner on 06-02-2017 along with interest at the rate of 24% per annum and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. After arguing the case, Sri M.R.K.Chakravarthy, learned counsel for the petitioner, requested for permission of the Court to withdraw the Writ Petition with liberty to his client to question the orders impugned in this Writ Petition by availing appropriate legal remedies.

3. The Writ Petition is accordingly dismissed as withdrawn with liberty to the petitioner in terms of the prayer made.

4. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 14900 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

CHALLA KODANDA RAM, J.

Date: 06-11-2017.

JSK

