

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10755 OF 2017

Jindal Drugs Limited

... Petitioner.

V/s.

The Union of India & Others.

... Respondents.

Mr. Jas Sanghavi, Advocate i/by PDS Legal for the Petitioner.
Mr. Sham Walve, Advocate, with Mr. Ram Ochani, for the Respondents.

**CORAM : M.S. SANKLECHA And
RIYAZ IQBAL CHAGLA, JJ.**

DATE : SEPTEMBER 07, 2018

PC :

1 This petition, under Article 226 of the Constitution of India, seeks following reliefs :

(a) That this Hon'ble Court be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other writ or order or direction under Article 226 of the Constitution of India ordering and directing the Respondent No. 5 by himself and/ or his officers and/or his subordinates to forthwith sanction and grant interest at the rate of 12 per cent per annum from the date the amount was deposited by the Petitioner (i.e. 24.12.1996 for Advance License No. 2073442 and 07.02.1997 for Advance License No. 2073306) till the date of payment.

(b) In the alternative to prayer (a), that this Hon'ble Court be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other writ or order or direction under Article 226 of the Constitution of India ordering and directing the Respondents to forthwith sanction and grant interest in respect of refund sanctioned and granted after the expiry of three months from the date of application viz. 10.10.2007 till the date of actual refund viz. 16.08.2017 under section 27A of the Customs Act, 1962.

2 Mr. Sham Walve, learned counsel for the Respondents, on instructions of Mr. Nikhil Wagle, Assistant Commissioner, states that the petitioner's claim for payment on the interest claimed on the delayed refund made, would be processed as per the provisions of the Customs Act, 1962 by passing an appropriate order by the proper officer.

3 We accept the statement made on behalf of the by the learned counsel for the Respondents.

4 The proper officer of the Respondent to consider the claim of the petitioner in accordance with the provisions of the Customs Act, 1962 and pass an order within a period of 6 weeks from the today.

5 In view of the above statement made on behalf of the Respondents by the learned counsel Mr. Sham Walve, the

learned counsel Mr. Jas Sanghavi, appearing for the Petitioners, on instructions, seeks to withdraw this writ petition.

6 Petition is disposed of as withdrawn, in the above terms.

(RIYAZ IQBAL CHAGLA,J.)

(M.S.SANKLECHA,J.)

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