

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.814 of 2018

M/s.Adayar Gate Hotel Ltd  
Rep by its Managing Director  
Mr.Bharath Bhushan Goyal  
Having Office at  
Welcome Group Park Sheraton Hotel & Towers  
TTK Road, Chennai-600018

...Petitioner

v.

1 The Commissioner of Customs  
Custom House No.60, Rajaji Salai  
Chennai-600 001

2 The Assistant Commissioner of Customs (Refunds)  
Custom House No.60, Rajaji Salai  
Chennai-600 001

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to sanction the refund of Rs.7,62,841/- along with the interest as per the provisions of Section 27A of the Customs Act , 1962 as directed by the Commissioner of Customs (Appeals ) Vide his order-in-appeal No.923/2016, dated 17.10.2016 and confirmed by Final Order No.41126/2017 dated 04.07.2017 passed by the Tribunal.

WEB COPY

For Petitioner : Mr.Hari RadhaKrishnan

For Respondent : T.Promod Kumar Chopda  
Senior Standing Counsel

ORDER

Mr.Hari Radha Krishnan, learned Counsel appearing for the petitioner and T.Promod Kumar Chopda, learned Senior Standing Counsel appearing for the Revenue.

2. As against the order passed by the Customs Excise & Service Tax Appellate Tribunal (CESTAT), the Revenue has filed an appeal before the Division Bench in C.M.A.S.R.No.85662 of 2017, which was filed on 01.11.2017. However, the Revenue have not taken any steps to number the appeal till today.

3. The learned counsel appearing for the petitioner submits that the appeal was returned for certain defects and yet to be represented. This information has been obtained from the Information Centre of this Court.

4. If the submission of the learned counsel for the petitioner is correct, effective steps should be taken by the respondent to represent the appeal and number the appeal at the earliest.

With the above observations, the writ petition is closed.  
No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Commissioner of Customs  
Custom House No.60, Rajaji Salai  
Chennai-600 001

2 The Assistant Commissioner of Customs (Refunds)  
Custom House No.60, Rajaji Salai  
Chennai-600 001

+1cc to Mr.Hari RadhaKrishnan, Advocate sr.no.39530

+1cc to T.Promod Kumar Chopda, Advocate sr.no.39234

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nr 29/06/2018