

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition Nos.20377 & 20378 of 2010

M/s. RASI OFFSET PRINTERS,
Rep.by its Proprietor
K.Narendra,
Madurai

... Petitioner in both the petitions

Vs.

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

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

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

... Respondents in both the petitions

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to Refund the amount of Rs.3,25,000/- & Rs.4,55,000/- claimed by the petitioner herein vide Receipt Nos.1118/09 and 1117/09 dated 06.11.2009, by giving effect to the orders passed by the Commissioner of Customs (Appeals), Vide Appeal Nos.C3/334/0/08-Sea & C3/746/0/08-Sea and C.Cus.No.1268-1272/09, dated 15.10.2009 respectively.

For Petitioner : Mr.A.K.Jayaraj (in both the petitions)
For Respondents : M/s.R.Hemalatha,
Standing counsel for Customs
(in both the petitions)

COMMON ORDER

The petitioner has come up with the present writ petitions, for a mandamus, directing the respondents to refund the sum of Rs.3,25,000/- and Rs.4,55,000/- claimed by them vide Receipt Nos.1118/2009 and 1117/2009 respectively, dated 06.11.2009, in

view of the orders dated 15.10.2009 passed by the Commissioner of Customs (Appeals) in Order-in-Appeal Nos.C3/334/0/08-Sea and C3/746/0/08-Sea in C.Cus.No.1268-1272/09.

2.When the matters were taken up for consideration, the learned Standing Counsel for the respondents submitted that the third respondent passed the respective orders-in-original dated 11.01.2018 and 02.02.2018 sanctioning the refund of Rs.4,55,000/- and Rs.3,25,000/- being the excess amount paid by the petitioner towards fine and penalty, the copies of which were also despatched to the petitioner on 05.02.2018 and hence, nothing survives for adjudication in these writ petitions.

3.Recording the aforesaid submission made by the learned Standing Counsel for the respondents, these writ petitions are closed, leaving it open to the petitioner to approach the respondent concerned, if not refunded till date. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

drl

To

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

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

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

+2cc to Mr.R.Hemalatha, Advocate SR.No.36381

+2cc to Mr.A.K.Jayaraj, Advocate SR.No.36531, 36532

W.P.Nos.20377 & 20378 of 2010

PVS (CO)
GN(11/07/2018)