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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5556/2017

M/S AUROBINDO PHARMA LTD.

..... Petitioner

Through: Mr Yogendra Aldak, Mr Karan Sachdev and Mr Shrey Ashat, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Sanjeev Narula, CGSC with Mr Abhishek Ghai, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.08.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(a) issue a writ of Mandamus or any other appropriate writ, order or direction, to quash the impugned Appeal Order issued under F.No.12013/2016-ADJ/AC dated 09.03.2017 by the Appellate Committee, DGFT, Delhi;
- (b) issue a writ of Mandamus or any other appropriate writ, order or direction, granting refunds of Terminal Excise Duty (TED) of Rs.28,88,02,540/- for the period November, 2010 to March, 2013, along with interest which they are entitled to under the Foreign Trade Policy;
- (c) alternatively, issue a writ of Mandamus or any other appropriate writ, order or direction, to credit the TED refund in the CENVAT account of the Petitioner;”

2. The petitioner is, essentially, aggrieved by the decision of respondent no.2 in not acceding to the petitioner's request for grant of refund of Terminal Excise Duty. The learned counsel appearing for the parties state that the controversy involved in the present petition is squarely covered in favour of the petitioner in terms of the earlier decision of this Court in ***Deepak Enterprises v. Union of India & Ors.: W.P.(C) 5935/2017***, decided on **19.01.2018** as well as the decision of the Coordinate Bench of this Court in ***M/s. Motherson Sumi Electric Wires v. Union of India & Ors.: W.P.(C) 6151/2016***, decided on **12.07.2018**.

3. In view of the aforesaid conceded position, the present petition is allowed and the respondents are directed to refund the Terminal Excise Duty of ₹28,88,02,540/- to the petitioner for the period November, 2010 to March, 2013 within a period of eight weeks from today.

VIBHU BAKHRU, J

AUGUST 06, 2018
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