

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4888 of 2009

M/s.Glob International Agencies,
House No.623, Sector - 33(B),
Chandigarh, Hariyana.

...Petitioner

Vs

The Commissioner of Customs,
Customs House,
No.60, Rajaji Salai,
Chennai - 600001.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent herein to grant interest at the rate of 18% for the period from the date of payment of redemption fine till the date of refund of such redemption fine on 12.07.1999 and also to pay the interest at the rate of 18% on the excess amount of customs duty collected and retained during the period from the date of payment of such excess duty till the date of refund on 16.04.2004.

For Petitioner : Mr.T.Ramesh

For Respondent : Mrs.Hema Muralikrishnan, SSC

सत्यमेव जयते
O R D E R

The limited prayer sought for in the present writ petition is that though the respondent had sanctioned the refund, the interest for the period from the date of payment of the redemption fine till the date of refund was not ordered.

2. It is seen that when the matter was pending before the CESTAT, the claim for interest on the refunded amount of redemption fine came up for consideration before the Tribunal and the Tribunal had held that the petitioner herein had not cited any provision of law entitling them to claim interest and that their consultant had also not pressed this claim and therefore, disallowed their claim for interest on the refunded

amount.

3. In view of this observation made, the prayer for issuance of writ of mandamus, may not be appropriate and that the petitioner ought to have challenged the order of the CESTAT. The present writ petition was also filed after a period of two years from the date when the Tribunal had passed this order. In this background, it would not be appropriate for this Court to consider the prayer sought for in this writ petition.

4. Accordingly, the Writ Petition stands closed. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

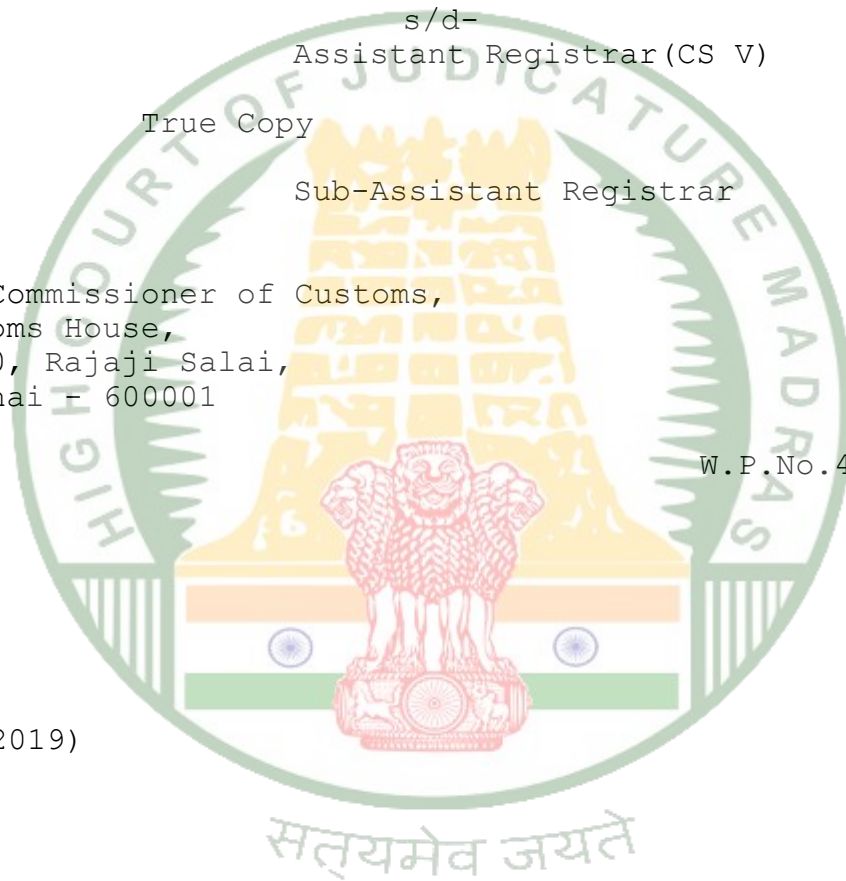
Sub-Assistant Registrar

hvk
To

The Commissioner of Customs,
Customs House,
No.60, Rajaji Salai,
Chennai - 600001

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SSD (CO)
SP (27/09/2019)



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