



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P.No.19051 of 2019

M/s.Rajan Print House
Rep. By its Proprietor Mr.B.Gururajan
28, II Cross, Sasthri Street
Nehru Nagar, Saligramam
Chennai - 600 093

...Petitioner

Vs.

1. The Commissioner of Customs (Seaport - Imports)
Chennai - II
Customs House, No.60, Rajaji Salai
Chennai - 600 001

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to refund an amount of Rs.10,09,324/- totally and to return the Bank Guarantee amount of Rs.6,71,000/- claimed by the petitioner herein vide Refund Application Acknowledged SR No.1229/18 dated 05.10.2018 within reasonable time as fixed by this Court.

For Petitioner : Mr.A.K.Jayaraj

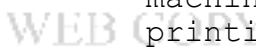
For Respondents : Mr.K.S.Ramaswamy
Standing Counsel for Customs

ORDER

Mr.A.K.Jayaraj, learned counsel on record for sole writ petitioner is before this Court. Mr.K.S.Ramaswamy, learned standing counsel for customs accepts notice on behalf of both the respondents.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. To be noted, in the light of the trajectory which the hearing has taken today, the main writ petition now turns on a



4. Suffice to say that the writ petitioner imported some machinery, which this Court is informed is in the nature of a printing machine and standard accessories. Since there were certain issues pertaining to clearance of said machinery, writ petitioner had filed a writ petition in this Court being W.P.No.22466 of 2003 and this Court, by order dated 27.08.2003, directed provisional release of said machinery on certain terms. There is no dispute that the terms were complied with and machineries had since been provisionally released.

6. There is no disputation before this Court that the aforesaid order of CESTAT has become final and it has been given legal quietus.

8. In the light of the innocuous prayer and the narrow compass on which this matter now turns, the second respondent is directed to consider the refund application of the writ petitioner being refund application dated 05.10.2018 and pass an order on the same within four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS VIII)

Sub Assistant Registrar

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Commissioner of Customs (Seaport - Imports)
Chennai - II
Customs House, No.60, Rajaji Salai
Chennai - 600 001.

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

+lcc to Mr.A.K.Jayaraj, Advocate, S.R.No.55798

+lcc to Mr.K.S.Ramasamy, Advocate, S.R.No.55835

W.P.No.19051 of 2019

RRS (09/08/2019)