

6.12.2021

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WPA 18295 of 2021

M/s. Zenith Forgings Private Limited & Anr.
Vs

Union of India & Ors.

Mr. N.K. Chowdhury,
Mr. Arijit Chakraborty,
Mr. Nilotpal Chowdhury,
Mr. Prabir Bera

... For the Petitioners.

Mr. Somnath Ganguly,
Ms. Ekta Sinha,
Ms. Sabnam Basu

... For the Respondent/Revenue.

Mr. Sujit Mitra

... For the Respondent No.1.

Affidavit-of-service filed in court be kept on the record.

Heard learned Advocates appearing for the parties.

This writ petition has been filed by the petitioners being aggrieved by inaction on the part of the respondent/Custom Authority concerned in not refunding the admitted refundable amount though more than four years have been passed, according to the petitioners in spite of making series of representations and lastly such representation was made on 23rd August, 2021 as appears at page 60 of the writ petition. Learned Advocate appearing for the petitioners submits that non-consideration of the refund in question by the respondent is on the plea that GST number and Pan number of the petitioners is not tallying at the system which on all other transactions, the respondents are making the payment

and had it been so then how the respondent/Custom Authority is refunding on those transactions.

Considering the submission of the parties, this writ petition, being WPA 18295 of 2021 is disposed of by directing the Deputy/Assistant Commissioner of Customs/Respondent No.4 to consider and dispose of the aforesaid representation dated 23rd August, 2021 in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioners or its authorised representative within four weeks from the date of communication of this order and while considering such representation, if the respondent No.4 finds that the claim of refund is admitted in that event, he will take expeditious steps preferably within four weeks from taking such decision for refunding the amount by correcting the technical difficulties in the system.

Since this writ petition is disposed of at the motion stage without calling for affidavits, allegations contained in the writ petition shall be deemed to have been denied by the respondents.

(Md. Nizamuddin, J.)

