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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VIDEO CONFERENCE)

W.P.O. No. 124 of 2020

MURARI LAL MURARKA
Versus
UNION OF INDIA AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B.SARAF

Date : 8th March, 2021

Appearance:
Mr. R. K. Choudhury, Adv.
Mr. T. K. Mitra, Adv.
Mr. Prottyush Chatterjee, Adv.
...for the petitioner

Mr. Amitabrata Roy, Adv.
...for the respondents

The Court : This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in granting refund to the petitioner. Mr. Amitabrata Roy, learned Advocate appearing on behalf of the respondent has fairly submitted that the appeal filed by the department has been dismissed by the Division Bench of this High Court. Accordingly, he submits that the Department may be given some time to make payment of the refund.

Mr. Chowdhury, learned Advocate appearing on behalf of the petitioner submits that refund is required to be paid as per circular bearing no. 276/186/2015-CX.8A dated 1st June, 2015. He further submits that interest is required to be paid as per Section 129EE. Mr. Chowdhury also relies upon an unreported judgment of the Madras High Court (Madurai Bench) in (*Vedanta Limited v. The Assistant Commissioner of Customs*) to buttress his arguments.

In light of the submission made above, I direct the Custom Authorities to make payment of the refund payable to the petitioner along with interest as prescribed under Section 129EE within a period of eight weeks from date.

The writ petition being W.P.O. No. 124 of 2020 is disposed of accordingly.

Since no affidavits have been filed in this matter, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Urgent xerox certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(SHEKHAR B.SARAF, J.)