

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

110

**CWP-7184-2021(O&M)
Decided on : 1.9.2021**

Canon Industries Pvt. Ltd.

....Petitioner

VS

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Govind Goel, Advocate and
Mr. Ankit Goel, Advocate for the petitioner.

AJAY TEWARI, J.(Oral)

1. By this petition the petitioner prays for issuance of direction to respondent No.2 to release the rebate claim on exported goods.
2. Learned counsel for the petitioner has placed reliance on the judgment of this Court passed in CEA-1-2014 decided on 15.9.2014 (Annexure P-5) wherein it was held as follows :-

“7. After hearing learned counsel for the parties, keeping in view the totality of the facts and circumstances of the case and in the interest of justice, it is directed that if the company deposits a sum of Rs. 1 crore and the directors in other two appeals deposit Rs. 25 lacs each, on or before 31.10.2014, the Tribunal shall hear the appeals on merits and decide the same expeditiously. However, the rebate claim of an amount of Rs. 1,27,94,964/- which has been withheld on account of the present dispute, shall remain withheld till the disposal of the appeals. The appellant(s) shall deposit the aforesaid amount in addition to Rs. 1,27,94,964/- withheld on account of the present dispute. Further during the pendency of the appeals, the appellants in all the three appeals shall not alienate any immovable property till the decision of the appeals by the Tribunal who shall make sincere efforts for expeditious disposal thereof.”

3. As per learned counsel, thereafter the petitioner has settled its dues under Sabka Vishwas (Legacy Dispute Resolution) Scheme under the Finance Act, 2019. Thereafter, the petitioner moved a representation for release of rebate claim which has now been pending for more than a year.

4. Notice of motion.

5. On asking of the Court, Mr. Sunish Bindlish, Senior Standing Counsel appears and accepts notice and states that though he has not received instructions yet from the record it seems that the factual averments made by the learned counsel for the petitioner are not controverted.

6. In this view of the matter, we deem it appropriate to direct the competent Authority to decide the representation (Annexure P-7) moved by the petitioner after satisfying himself that factual averments made above by the learned counsel for the petitioner are correct. Since the rebate claims are stated to be eight years old , let the decision be taken on the said representation by passing a speaking order within a period of one month from the date of receipt of certified copy of this order.

7. Petition stands disposed of with above-said directions.

8. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

1.9.2021
anuradha

Whether speaking/reasoned -
Whether reportable

Yes/No
-Yes/No