

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

**CM-433 & 436-CWP-2021 IN/AND
CWP-40-2021**

Date of Decision: 14.1.2021

M/s DCM Mouvelle Limited

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Amar Pratap Singh, Advocate and
Mr. Rohit Gupta, Advocate for the petitioner.

Mr. Sourabh Goel, Advocate for respondents No.1 to 4.

Mr. Sanjay Bansal, Senior Advocate with
Mr. Amit Parsad, Advocate for respondents No.6 to 8.

RAJAN GUPTA, J. (Oral)

Case has been heard through Video Conferencing on account of
COVID-19 Pandemic.

CM-433-CWP-2021

Allowed as prayed for.

CM-436-CWP-2021

This is an application for placing on record written statement
on behalf of respondents No.7 and 8.

Application is allowed and written statement is taken on record.

CWP-40-2021

Notice of motion.

Mr. Sourabh Goel, Advocate accepts notice on behalf of
respondents No.1 to 4 whereas Mr. Amit Parsad, Advocate accepts notice
on behalf of respondents No.6 to 8.

As advance copy of the petition was available with the
respondents, counsel for respondent No. 4 seeks permission to file reply.

His prayer is accepted and reply is taken on record.

Mr. Bansal, Senior Advocate has referred to stand taken by respondents No.6 to 8 in para 2(v) of the reply, which reads as under:-

“2(v) After the impugned order (annexure P-1) was passed on 18.11.2020 by respondent no.8, the office of DGARM (respondent no.5) verified the risky suppliers as genuine as a result of which the risky alert has been revoked and IGST refund of ₹ 10,73,73,664/- stands electronically credited in the account of the petitioner. Further, a Drawback amount of ₹ 3,91,17,559/- also stands paid to the petitioner.

Thus, the impugned Order (Annexure P-1) is perfectly legal and valid and therefore, it at all there is any grievance left in regard to the quantum of the amounts paid, the petitioner may invoke the jurisdiction of the appellate authority under Section 128 of the Customs Act, 1962.”

In view of above, learned counsel for the petitioner submits that he may be allowed to withdraw the instant petition with liberty to avail appropriate remedy in case any grouse subsists.

Dismissed as withdrawn with liberty as aforesaid.

**(RAJAN GUPTA)
JUDGE**

January 14, 2021
gbs

**(KARAMJIT SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No