IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1360 OF 2008

Betul Oils and Flours Limited ….Petitioner

V/s.

Union of India and Ors. ….Respondents

Dr. Sujay Kantawala a/w. Mr. Aditya Talpade i/b. M/s. Apex Law Partners for petitioner.
None for respondents.

CORAM : K.R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, JJ.
DATED : 16th JUNE 2022

P.C.:

1 The petition is restricted to interest on the deposit made by petitioner during the course of adjudication proceedings.

2 Respondent was investigating the case of misuse of advance license and mis-declaration of export products and inputs against petitioner. In the course of this investigation, an amount of Rs.1 Crore came to be deposited by petitioner. On completion of investigation, a show cause notice dated 28th June 2000 under Section 124 and Section 128 of the Customs Act, 1962 was issued to petitioner, which came to be adjudicated by an order dated 30th June 2003. Petitioner and its Directors were imposed with penalty. Aggrieved by the order, petitioner preferred an appeal before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT). CESTAT allowed the appeal by an order dated 12th March 2007 and set aside the

order of the Commissioner. Petitioner was thereby entitled to refund of Rs.1 Crore.

3 For the first time, petitioner applied for refund of this amount of Rs.1 Crore, as appears from the documents annexed to the petition, only on 4th February 2008. As the amount was not immediately refunded, petitioner filed this petition. As recorded in the order dated 3rd July 2008, respondents were directed to either refund the amount of Rs.1 Crore to petitioner or deposit the amount with the registry of this Court. After a delay of about a week, respondents deposited the amount of Rs.1 Crore in the registry of this Court and petitioner was allowed to withdraw that amount.

4 Dr. Kantawala states that the amount has been withdrawn. What remains is the question of interest on the amount of Rs.1 Crore that was deposited pending investigation.

5 In our view, even though petitioner became entitled to refund by an order of CESTAT passed on 12th March 2007, petitioner for the first time applied for refund only by a letter dated 4th February 2008 and within a reasonable period of three or four months the refund has been given to petitioner pursuant to orders passed by this Court.

6 In the circumstances, in our view, petitioner having waited for a long time to even claim refund petitioner should not be raising this

grievance to the Court demanding any interest.

7 Petition accordingly disposed.

(PRITHVIRAJ K. CHAVAN, J.) **(K.R. SHRIRAM, J.)**