



W.P.No.30602 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

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M/s.Lakshmi Saraswathi Cotton Mills

Private Limited,

Represented by its Director - M.Udhayakumar,

Kutchipalayam,

Thokkavadi Post,

Tiruchengode - 637 215.

... Petitioner

Vs

1.The Commissioner of Customs-EPCG Cell,

Customs House,

Rajaji Salai, Chennai - 600 001.

2.The Assistant Commissioner of Customs-EPCG Cell,

Customs House,

Rajaji Salai, Chennai - 600 001.

3.The Chief Manager,

State Bank of India,

Tiruchengode Branch,

Tiruchendgode.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent herein to refund



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a sum of Rs.5,75,000/- arising out of two bank guarantees Nos.10/03-04 and 11/03-04 which were duly cancelled by the customs authorities to the petitioner as per the representation dated 13.05.2013.

For Petitioner : No appearance

For Respondents : No appearance

ORDER

There is no representation either on behalf of the petitioner or the respondents.

2. The petitioner has filed this writ petition for a Mandamus, to direct the third respondent to refund a sum of Rs.5,75,000/- in respect of two bank guarantees Nos.10/03-04 and 11/03-04 dated 27.02.2004 and 22.03.2004, which were furnished by the petitioner to secure the interest of the first and second respondents in connection with import license granted to the petitioner for import of capital goods.

3. According to the petitioner, the petitioner has discharged the export obligation undertaken in respect of the import license granted in favour of the petitioner by the concerned regional authority under the



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provisions of the Food Trade Policy/Export Import Policy and that the Export Obligation Discharge Certificate has also been acknowledged by the Joint Director General of Foreign Trade and therefore, the obligations under the Bank Guarantee were also discharged. However, despite the same, the third respondent has not refunded the amount to the petitioner which was deposited by the petitioner for the two bank guarantees dated 27.02.2004 and 22.03.2014.

4. Both the official respondents and the third respondent have not filed any counter despite the fact that the writ petition is of the year 2014. It is not clear whether there has been any further development during the pendency of the present writ petition.

5. Considering the same, I am inclined to dispose of this writ petition by directing the third respondent to consider and take appropriate steps on the petitioner's representation dated 13.05.2013, within a period of six weeks from the date of receipt of a copy of this order.



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6. This Writ Petition stands disposed of with the above observations. No costs.

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Index : Yes/ No
Speaking/Non-Speaking Order

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To

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- 2.The Assistant Commissioner of Customs-EPCG Cell,
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- 3.The Chief Manager,
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C.SARAVANAN, J.

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