



W.P.No.24458 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.24458 of 2023

M/s.ZF Wind Power Coimbatore Private Limited,
Rep by its Deputy General Manager,
Mr.P.A.Senthil Kumar,
Plot No.3, Hi Tech Engg. And Services Sector SEZ,
Karumathampatty,
Annur Road,
Coimbatore, Tamil Nadu – 641 659.

... Petitioner

Vs

1. Union of India,
Rep by its Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi – 110 107.
2. The Principal Chief Commissioner of Customs,
Chennai Customs Zone, Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.
3. The Deputy Commissioner of Customs (Refunds),
Sea Customs Zone,
Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.

... Respondents



W.P.No.24458 of 2023

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the third respondent to process the claims of refund made vide letters dated 01.04.2022, 15.06.2022 and 03.08.2022 of excess anti-dumping duty paid mistakenly by the petitioner company.

For Petitioner : Mr.J.V.Niranjan

For Respondents : Mr.Avinash Wadhwani
Standing Counsel

ORDER

The writ petition has been filed to direct the third respondent to process three refund claims of the petitioner dated 01.04.2022, 15.06.2022 and 03.08.2022.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned Standing Counsel for the respondents would refer to the counter filed by the respondents stating that refund claims are not available on the file of the Customs department. It is submitted that mere



W.P.No.24458 of 2023

filing of a letter is not sufficient for the respondents to consider the refund claims of the petitioner.

4. As a matter of fact, the records that are available before this Court indicates that the respondents have acknowledged the copy of the refund claims dated 01.04.2022, 15.06.2022 and 03.08.2022.

5. Considering the fact that the respondents are unable to trace out the refund claims filed by the petitioner, the petitioner is directed to serve a photo copy of the refund claims bearing seal of the third respondent, within a period of four weeks from the date of receipt of a copy of this order. The respondents shall thereafter reconstruct their file and consider the said refund claims of the petitioner and dispose the same on merits and in accordance with Section 27 of the Customs Act, 1962 within a period of eight weeks from the date of receipt of a copy of this order.

6. Needless to state, before passing such order, the petitioner shall also be heard.



W.P.No.24458 of 2023

WEB COPY

7. This Writ Petition stands disposed of. No costs.

13.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
jas

To

1. Union of India,
Rep by its Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi – 110 107.
2. The Principal Chief Commissioner of Customs,
Chennai Customs Zone, Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.
3. The Deputy Commissioner of Customs (Refunds),
Sea Customs Zone,
Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.



WEB COPY



W.P.No.24458 of 2023

C.SARAVANAN, J.

jas

W.P.No.24458 of 2023

13.09.2023