

(1997) 06 CAL CK 0002

In the Calcutta High Court

Case No : Writ Petition No's. 938 and 940 of 1997

Terai Overseas Ltd.

APPELLANT

Vs

O.S. Draw Back Deptt.

RESPONDENT

Date of Decision : 19-06-1997

Acts Referred:

Citation : (1997) 96 ELT 250

Hon'ble Judges : Vinod Kumar Gupta, J

Bench : Single Bench

Advocate : ; Samaddar, for the Respondent

Judgement

Vinod Kumar Gupta, J.—The only grievance of the petitioner is that the petitioner's claim for receiving drawback under the Customs & Central Excise Duties Drawback Rules, 1995, despite pending for a long time, has not been disposed of by the respondents with the result that the petitioner has been suffering undue hardship on account of non-action on the part of the respondents.

2. Mr. Samaddar, learned Advocate for the respondents, submits that it is a fact that the petitioner's claim has been pending with the respondents.

3. If the petitioner's claim for receiving drawback has been pending with the respondents, there is no valid reason as to why the petitioner is deprived of his claim, if he is entitled to the same. For this reason, I, therefore, dispose of this petition by directing the respondents to process the petitioner's claim for receiving drawbacks under 1995 Rules, in accordance with law, and on the merits of the case and to pass a consequential orders without any delay whatsoever.

4. Since the affidavit-in-opposition has not filed, none of the allegations in the petition shall be deemed to have been admitted by the respondents. The needful shall be done without any unnecessary delay and very very expeditiously.

5. The petition is, thus, disposed of. There will be no order as to costs.

6. All parties are to act on a signed xerox copy of this dictated order on the usual

undertaking.