

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11288 of 2015**

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SHREE MARUTI NANDAN IMPEX

Versus

UNION OF INDIA

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Appearance:

M/S TRIVEDI AND GUPTA(949) for the PETITIONER(s) No. 1

MR DEVANG VYAS(2794) for the RESPONDENT(s) No. 1

MS SHRUTI S PATHAK(5619) for the RESPONDENT(s) No. 2

RULE SERVED BY DS(65) for the RESPONDENT(s) No. 3,4

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CORAM: **HONOURABLE MR.JUSTICE ANANT S. DAVE**

and

HONOURABLE MR.JUSTICE BIREN VAISHNAV**Date : 30/08/2018****ORAL ORDER****(PER : HONOURABLE MR.JUSTICE ANANT S. DAVE)**

1. Heard learned advocate Mr. Paritosh Gupta, learned advocate appearing for the petitioner and Ms. Shruti Pathak, learned Standing Counsel for the respondent no. 2.

2. After issuance of notice on 16.07.2015, the writ petition came to be admitted on 05.08.2015 and in the context of prayer of the writ petition towards the claim of interest at the rate of 15% per annum from the date of deposit of Rs. 20 lakhs by the petitioner firm during the course of investigation and finally in adjudication proceedings, the petitioner succeeded before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) and order came to be passed on 26.06.2013. That so far as the amount of Rs.20 lakhs as well as Rs.3,56,428/- pertaining to bill of entry no. 849021 dated

03.07.2008 is concerned, there is no dispute and the said amount is refunded.

3. About the rate of interest on the outstanding dues when it became payable to the petitioner, Ms. Pathak, learning Standing Counsel would like to take instructions. S.O to 12.09.2018.

(ANANT S. DAVE, J)

(BIREN VAISHNAV, J)

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