

Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4585 OF 2005

Union of India and others

..

Appellants

-versus-

M/s. Prince Rubber Industries

..

Respondent

J U D G M E N T

MARKANDEY KATJU, J

1. This appeal has been filed against the impugned judgment and order of the Division Bench of Punjab and Haryana High Court at Chandigarh dated 19.01.2004.

2. The facts of the case have been stated in the impugned judgment of the High Court and hence we are not repeating the same here, except where necessary.

3. The Writ Petition in the High Court was filed for quashing the order dated 23.03.2001 of the Deputy Director General of Foreign Trade. By the aforesaid order dated 23.03.2001 the Deputy Director General wrote to the Writ Petitioner (the respondent herein) that its claim for grant of 8 % Cash Compulsory Support

premium against the advance import licence under the scheme funded by the Reserve Bank of India cannot be allowed as the scheme had been closed since 1994.

4. By the impugned judgment the High Court has quashed the letter dated 23.03.2001 and directed release of the grant of 8 % Cash Compulsory Support premium against advance import licence as per circular No. 11 dated 05.05.1993 along with interest at the rate of 8 % per annum.

5. We see no infirmity in the impugned judgment.

6. Under circular No. 11 dated 05.05.1993 the application for relief was to be made by 31.07.1993.

7. The High Court has held that the Writ Petitioner (respondent herein) had applied on 26.07.1993. Hence its application was within time. The concerned authorities failed to take necessary action on the application of the Writ Petitioner, and their inaction cannot be a ground for denying the claim of the Writ Petitioner.

8. Thus there is no force in this appeal and it is dismissed. No cost.

.....J.
[Mararkandey Katju]

.....J.
[Gyan Sudha Misra]

NEW DELHI;
DECEMBER 03, 2010