

Union of India and Others

Vs

V.I.P. Industries Ltd., Bombay

Civil Appeal No. 261 of 1997

(Sujata V. Manohar, B. P. Jeevan Reddy JJ)

22.01.1997

ORDER

1. Special leave granted.
2. The respondent filed a refund application on 25-5-1979, for refund of the excise duty said to have been collected contrary to law during the period 1-3-1975 to 20-4-1979. This application was filed relying upon an order passed in the case of a manufacturer of similar goods. So far as the classification is concerned, the respondent has succeeded but the question here is with respect to refund of the duty said to have been collected contrary to law.
3. The Assistant Collector allowed the application only for the period 29-11-1978 to 20-4-1979, i.e., within six months' period and rejected the claim of the respondent for the period beyond six months saying that it is barred by limitation prescribed by law. Against this order, the respondent filed a writ petition in the Bombay High Court which has been allowed. The High Court has directed that the application for refund even for the period 1-3-1975 to 28-11-1978 be also considered on merits without taking into consideration the question of limitation.
4. It is obvious now that in the light of the judgment in *Mafatlal Industries Ltd. v. Union of India* [(1997) 5 SCC 536 : (1996) 9 Scale 457] the direction given by the High Court cannot stand. Accordingly, the judgment of the High Court is set aside and the appeal is allowed.
5. No costs.