$~2 to 5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: 27.10.2026

(2)

\# **CNR No. DLHC010492332026**

\+ CUSAA 152/2026, CM APPL. 70891/2026, CM APPL. 70892/2026, CM APPL. 70893/2026 & CM APPL. 70894/2026

COMMISSIONER OF CUSTOMS .....Appellant

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Nehaol Sri L.V., Advs.

versus

M/S MICROMAX INFORMATICS LIMITED .....Respondent

Through: Mr. Balbir Singh, Sr. Adv. with Mr. Pranav Sarthi, Mr. Ayush Raj, Ms. Disha, Mr. Vedant Kohli, Mr. Vinayak, Ms. Prachi Dhingra, Mr. Utkarsh Vatsa & Mr Udit Bajpai, Advs.

(3)

\# **CNR No. DLHC010492342026**

\+ CUSAA 153/2026, CM APPL. 70895/2026, CM APPL. 70896/2026, CM APPL. 70897/2026 & CM APPL. 70898/2026

COMMISSIONER OF CUSTOMS .....Appellant

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Nehaol Sri L.V., Advs.

versus

M/S MICROMAX INFORMATICS LIMITED .....Respondent

Through: Mr. Balbir Singh, Sr. Adv. with Mr. Pranav Sarthi, Mr. Ayush

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Raj, Ms. Disha, Mr. Vedant Kohli, Mr. Vinayak, Ms. Prachi Dhingra, Mr. Utkarsh Vatsa & Mr Udit Bajpai, Advs.

(4)

\# **CNR No. DLHC010492382026**

\+ CUSAA 154/2026, CM APPL. 70908/2026, CM APPL. 70909/2026, CM APPL. 70910/2026 & CM APPL. 70911/2026

COMMISSIONER OF CUSTOMS .....Appellant

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Nehaol Sri L.V., Advs.

versus

M/S MICROMAX INFORMATICS LIMITED .....Respondent

Through: Mr. Balbir Singh, Sr. Adv. with Mr. Pranav Sarthi, Mr. Ayush Raj, Ms. Disha, Mr. Vedant Kohli, Mr. Vinayak, Ms. Prachi Dhingra, Mr. Utkarsh Vatsa & Mr Udit Bajpai, Advs.

(5)

\# **CNR No. DLHC010493112026**

\+ CUSAA 155/2026, CM APPL. 71077/2026, CM APPL. 71078/2026, CM APPL. 71079/2026 & CM APPL. 71080/2026

COMMISSIONER OF CUSTOMS .....Appellant

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Nehaol Sri L.V., Advs.

versus

M/S MICROMAX INFORMATICS LIMITED .....Respondent

Through: Mr. Balbir Singh, Sr. Adv. with Mr. Pranav Sarthi, Mr. Ayush Raj, Ms. Disha, Mr. Vedant Kohli, Mr. Vinayak, Ms. Prachi

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Dhingra, Mr. Utkarsh Vatsa &
Mr Udit Bajpai, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

AVNEESH JHINGAN, J. (ORAL)

CM APPL. 70894/2026 In CUSAA 152/2026
CM APPL. 70898/2026 In CUSAA 153/2026
CM APPL. 70911/2026 In CUSAA 154/2026
CM APPL. 71080/2026 In CUSAA 155/2026

1. These applications are filed for condonation of delay of 75 days in re-filing the appeals.

2. For the reasons mentioned therein, the applications are allowed. The delay in re-filing the appeals is condoned.

CM APPL. 70893/2026 In CUSAA 152/2026
CM APPL. 70897/2026 In CUSAA 153/2026
CM APPL. 70910/2026 In CUSAA 154/2026
CM APPL. 71079/2026 In CUSAA 155/2026

3. These applications are filed for condonation of delay of 81 days in filing the appeals.

4. For the reasons mentioned therein, the applications are allowed. The delay in filing the appeals is condoned.

CUSAA 152/2026, CM APPL. 70891/2026 & 70892/2026
CUSAA 153/2026, CM APPL. 70895/2026 & 70896/2026
CUSAA 154/2026, CM APPL. 70908/2026 & 70909/2026
CUSAA 155/2026, CM APPL. 71077/2026 & 71078/2026

5. The issues involved in all the appeals are similar. For the sake of convenience, the period involved and the relevant dates are

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tabulated below:

HC Appeal (Against Interest for delayed refund)	**HC Appeal (Against Sanctioned Refund)**	**Period**	**Refund and Interest amount**	**Dept's OIA dt. 26.09.2019**	**CESTAT Order dt. 27.10.2025 (Against Interest for delayed refund)**
CUSAA No. 152/2026	CUSAA No. 34/2024	September 2014 Import Commissionerate	Sanctioned Refund Rs. 22,48,35,292/- + Interest Rs. 1,53,75,038/- + Rejected Claim Rs. 14,08,263/-	Sanction of interest was set aside	OIA dt. 26.09.2019 set aside + Micromax is entitled to interest
CUSAA No. 153/2026	CUSAA No. 41/2024	October 2014 Import Commissionerate	Sanctioned Refund Rs. 33,91,47,955/- + Interest Rs. 2,14,63,884/-	Sanction of interest was set aside	OIA dt. 26.09.2019 set aside + Micromax is entitled to interest
CUSAA No. 155/2026	CUSAA No. 38/2024	November 2014 to January 2015 Import Commissionerate	Sanctioned Refund Rs. 68,11,45,947/- + Interest Rs. 4,15,40,572/- + Rejected Claim Rs. 25,46,390/-	Sanction of interest was set aside	OIA dt. 26.09.2019 set aside + Micromax is entitled to interest
CUSAA No. 154/2026	CUSAA No. 42/2024	February 2015 and March 2015 Import Commissionerate	Sanctioned Refund Rs. 50,15,32,437/- + Interest Rs. 2,95,14,840/- + Rejected Claim Rs. 10,10,708/-	Sanction of interest was set aside	OIA dt. 26.09.2019 set aside + Micromax is entitled to interest

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6. The respondent imported Cellular Phones and mobile parts during the relevant period. Self-assessed Bills of Entry for home consumption were filed classifying the imported goods to be chargeable @ 0% Basic Customs Duty and @ 6% Countervailing Duty (for short 'CVD').

6.1 Notification No. 12/2012-CE dated 17.03.2012 was issued granting exemption from excise duty. The notification was amended by Notification No. 4/2014-CE dated 17.02.2014. By Notification No. 12/2015-CE dated 01.03.2015, the exemption granted was made subject to fulfilment of Condition No. 16. The condition is reproduced below:

> "If no credit under rule 3 or rule 13 of the CENVAT Credit Rules, 2004 has been taken in respect of the inputs or capital goods used in the manufacture of these goods."

6.2 The issue as to whether CVD was leviable on the goods imported by the respondent was decided by the Supreme Court in ***SRF Ltd. v. Commissioner of Customs, Chennai***, (2015) 14 SCC 596. It was held that CVD was not payable on the goods imported during the period in issue.

6.3 The respondent on basis of the decision in ***SRF Ltd***. (supra) applied for a refund of the CVD. The application was ultimately decided by the Commissioner of Customs (Imports) (hereinafter 'AA'). It was ordered that the refund claimed by the respondent along with interest be credited to the Consumer Welfare Fund (for brevity

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'CWF') in terms of Section 27(2) of the Customs Act, 1962 (for short 'the Act').

6.4 The appellant challenged the order of AA being aggrieved of the grant of interest on the refund. The Commissioner of Customs (Appeals)/First Appellate Authority (for short 'FAA') set aside the sanction of interest. The respondent succeeded before the Customs, Excise and Service Tax Appellate Tribunal (hereinafter 'tribunal') and the order of the FAA was set aside. The respondent was held entitled to statutory interest on the refund amount. Hence, the present appeals.

7. Learned counsel for the appellant contends that the AA held that the respondent was not entitled to refund and hence there was no question of sanctioning statutory interest.

8. *Per contra*, the respondent is entitled to refund and the order of the tribunal allowing refund has been upheld by this Court. The contention that no interest is to be sanctioned as the refund amount is to be deposited in the CWF does not survive.

9. The operational portion of the order of the tribunal is reproduced below:

> "11. The Issue that arises for consideration in these four appeals is regarding payment of Interest to the appellant on the amount which has been sanctioned to the appellant by this Tribunal by its order dated 26.09.2023.
>
> 12. It is seen that Interest was denied to the appellant for the reason that the principal amount was directed to be deposited into Consumer Welfare Fund. Now that the Tribunal has decided this issue in favour of the appellant and has held that the principal amount has to be credited to the account of the appellant and not to the Consumer

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> Welfare Fund, it follows that appellant would also become entitled for interest to be credited in the account of the appellant. This is exactly was what also held by the Commissioner (Appeals) in the order dated 09.03.2022 in respect of the fifth refund application.
>
> 13. In this view of the matter, the impugned order dated 26.09.2019 is set aside and all the four appeals are allowed. The appellant is held entitled to payment of interest in accordance with law in respect of the first four refund applications on the principal amount that has already been sanctioned."

10. The contention of learned counsel for the appellant no longer survives in view of the subsequent development. The respondent was held not to be entitled to refund on the ground of unjust enrichment but the tribunal decided the issue in favour of the respondent. The order of the tribunal has been upheld by this Court *vide* order dated 27.10.2026 passed in CUSAA 34/2024, CUSAA 36/2024, CUSAA 38/2024, CUSAA 41/2024 & CUSAA 42/2024. The natural consequence is that the statutory interest on the amount of refund due has to be paid. No substantial question of law arises.

11. The appeals are dismissed. Pending applications are also disposed of.

AVNEESH JHINGAN, J

SHAIL JAIN, J

OCTOBER 27, 2026
'ha'

Reportable:- **Yes**

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