



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2215 OF 2023

Kunal Housewares Private Limited ... Petitioner

Versus

- 1. The Union of India
- 2. Assistant Commissioner of Customs
- 3. Principal Chief Commissioner of Customs ... Respondents

Adv.Devashish K. Trivedi a/w Adv.Garvit Khandelwal for the Petitioner
Adv.Jitendra B. Mishra a/w Adv.Ashutosh Mishra a/w Adv.Maya Majumdar a/w Adv.Rupesh Dubey for the Respondents

Digitally signed by TRUSHA TUSHAR MOHITE
Date: 2024.08.27 13:54:48 +0530

CORAM : G. S. KULKARNI & FIRDOSH P. POONIWALLA, JJ.
RESERVED ON : 1st March, 2024

PRONOUNCED ON: 26th AUGUST, 2024

JUDGMENT: (PER FIRDOSH P. POONIWALLA, J.)

- 1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally.
- 2. The Petitioner had exported Stainless Steel Table, kitchen and other household articles in the months of July, August and September 2017. While doing so, the documents mentioned in the table herein were issued / generated.

Sr.	GST Invoice No. & Date	Export Invoice No. & Date	Shipping Bill No. & Date	Export General Manifest No. & Date	Bill OF Lading No. & Date	Amt of Drawback claimed(Rs.) by Punching A	Amount of IGST Paid (Rs.)
1.	46/ 13.07.2017	KHPL/325/17-18 13.07.2017	7337308/ 13.07.2017	130950 24-7-2017	10075017521	1,44,118.00	1,92,157.00
2.	13/ 06.07.2017	KHPL/326/17-18 04.07.2017	7218237/ 07.07.2017	130414 15-7-2017	AMC0564386 10.07.2017	3,95,334.00	5,23,608.00

3.	52/ 14.07.2017	KHPL/332/17-18 14.07.2017	7381089/ 15.07.2017	129350 DT25-7-2017	DEL074463 18.07.2017	2,15,832.00	2,87,775.00
4.	11/ 04.07.2017	KHPL/334/17-18 04.07.2017	7218238/ 07.07.2017	130414 15-7-2017	FDS-NSA-1700102 10.07.2017	91,867.00	1,21,627.00
5.	12/ 04.07.2017	KHPL/335/17-18 04.07.2017	7216045/ 07.07.2017	130414 15-7-2017	FDS-NSA-1700102 10.07.2017	46,000.00	60,902.00
6.	10/ 04.07.2017	KHPL/336/17-18 06.07.2017	7218240/ 07.07.2017	130414 15-7-2017	FDS-NSA-1700102 10.07.2017	3,95,334.00	5,23,408.00
7.	15/ 06.07.2017	KHPL/337/17-18 06.07.2017	7218141/ 07.07.2017	130323 20-7-2017	AMC0567827 17.07.2017	1,97,667.00	2,61,701.00
8.	16/ 07.07.2017	KHPL/338/17-18 07.07.2017	7231270/ 08.07.2017	130448 21-7-2017	CNS-NSA-1700261 08.07.2017	39,651.00	58,565.00
9.	19/ 08.07.2017	KHPL/339/17-18 08.07.2017	7242030/ 10.07.2017	130752 8-7-2017	CNS-NSA-1700265 08.07.2017	43,674.00	62,812.00
10.	25/ 10.07.2017	KHPL/340/17-18 10.07.2017	7272176/ 11.07.2017	130323 20-7-2017	FDS-NSA-1700105 14.07.2017	91,867.00	1,22,489.00
11.	26/ 10.07.2017	KHPL/341/17-18 10.07.2017	7272175/ 11.07.2017	130323 20-7-2017	FDS-NSA-1700105 14.07.2017	45,833.00	61,111.00
12.	47/ 13.07.2017	KHPL/342/17-18 13.07.2017	7337215/ 13.07.2017	131276 8-7-2017	CNS-NSA-1700276 14.07.2017	50,085.00	66,780.00
13.	53/ 14.07.2017	KHPL/343/17-18 14.07.2017	7381090/ 15.07.2017	129350 25-07-2017	DEL074463 18.07.2017	2,15,832.00	2,87,775.00
14.	56/ 15.07.2017	KHPL/344/17-18 15.07.2017	7385462/ 15.07.2017	131288 4-8-2017	CNS-NSA-1700298 02.08.2017	66,651.00	88,868.00
15.	66/ 17.07.2017	KHPL/345/17-18 17.07.2017	7412845/ 17.07.2017	130959 4-8-2017	FDS-NSA-1700116 31.07.2017	91,800.00	1,22,400.00
16.	90/ 20.07.2017	KHPL/347/17-18 20.07.2017	7491047/ 20.07.2017	130959 4-8-2017	FDS-NSA-1700294 08.08.2017	33,629.00	44,839.00
17.	97/ 21.07.2017	KHPL/348/17-18 21.07.2017	7514739/ 21.07.2017	130074 27-7-2017	OERT/0717018 24.07.2017	1,08,841.00	1,45,891.00
18.	100 22.07.2017	KHPL/349/17-18 22.07.2017	7539822/ 22.07.2017	131577 11-8-2017	CNS-NSA-1700309 24.07.2017	29,267.00	43,256.00
19.	99 22.07.2017	KHPL/350/17-18 22.07.2017	7539821/ 22.07.2017	130959 4-8-2017	FDS-NSA-1700295 02.08.2017	57,573.00	76,764.00
20.	105/ 24.07.2017	KHPL/351/17-18 24.07.2017	7565362/ 24.07.2017	131577 11-8-2017	CNS-NSA-1700306 09.08.2017	61,340.00	81,786.00
21.	118/ 26.07.2017	KHPL/352/17-18 26.07.2017	7618734/ 26.07.2017	131577 11-8-2017	CNS-NSA-1700308 09.08.2017	72,639.00	96,852.00
22.	229/ 11.08.2017	KHPL/367/17-18 10.08.2017	7988504/ 12.08.2017	132951 1-9-2017	FDS-NSA-1700122 11.08.2017	62,665.00	85,227.00
23.	321/ 24.08.2017	KHPL/368/17-18 24.08.2017	8223944/ 24.08.2017	133192 1-9-2017	501071403920 29.08.2017	22,203.00	29,603.00
24.	242/ 14.08.2017	KHPL/370/17-18 14.08.2017	8016325/ 14.08.2017	132068 24-8-2017	OERT/0817022 21.08.2017	1,07,995.00	1,43,994.00
25.	243/ 14.08.2017	KHPL/371/17-18 14.08.2017	8016274/ 14.08.2017	132431 26-8-2017	FDS-NSA-1700128 24.08.2017	1,26,211.00	1,68,282.00
26.	271/ 17.08.2017	KHPL/372/17-18 17.08.2017	8068791/ 17.08.2017	132431 26-8-2017	FDS-NSA-1700126 24.08.2017	90,221.00	1,20,295.00
27.	272/ 17.08.2017	KHPL/373/17-18 17.08.2017	8068788/ 17.08.2017	132431 26-8-2017	FDS-NSA-1700126 24.08.2017	90,221.00	1,20,295.00
28.	273/ 17.08.2017	KHPL/374/17-18 17.08.2017	8068789/ 17.08.2017	132431 26-8-2017	FDS-NSA-1700126 24.08.2017	90,221.00	1,20,295.00
29.	283/ 19.08.2017	KHPL/375/17-18 19.08.2017	8121281/ 19.08.2017	133604 11-9-2017	CNS-NSA-1700352 21.08.2017	49,518.00	68,560.00
30.	284/ 19.08.2017	KHPL/376/17-18 19.08.2017	8121276/ 19.08.2017	133604 11-9-2017	CNS-NSA-1700351 21.08.2017	27,905.00	35,991.00
31.	398/ 04.09.2017	KHPL/386/17-18 04.09.2017	8440976/ 04.09.2017	133894 15-9-2017	FDS-NSA-1700137 08.09.2017	20,241.00	1,12,443.00
32.	399/ 04.09.2017	KHPL/387/17-18 04.09.2017	8441226/ 04.09.2017	133894 15-9-2017	FDS-NSA-1700137 08.09.2017	20,241.00	1,21,443.00

33.	400/ 04.09.2017	KHPL/388/17-18 04.09.2017	8441210/ 04.09.2017	133894 15-9-2017	FDS-NSA-1700137 08.09.2017	20,241.00	1,21,443.00
					TOTAL:-	32,22,717.00	45,88,237.00

3. The Petitioner paid IGST in respect of the exported goods as mentioned in the corresponding entries in respect of the relevant invoices / shipping bills in the aforesaid table. The Petitioner also selected Column “A” for the purpose of claiming drawback mentioned in the corresponding entry in the said table while generating the relevant bill of entry. As provided in Section 16 of the Integrated Goods and Services Tax Act, 2017 (“IGST Act”), all goods exported out of India are termed as “Zero Rated Supplies”. It is the case of the Petitioner that, as per the said provision, if IGST is paid in respect of “Zero Rated Supplies”, the exporter would be eligible to get refund of IGST paid in regard to the said supplies. Refund of said IGST paid would be available to the exporter in accordance with Section 54 of the Central Goods and Services Tax Act, 2017 (“CGST Act”). Further, it is the case of the Petitioner that, under Rule 96 of the Central Goods and Service Tax Rules, 2017 (“CGST Rules”), the shipping bill generated for the purpose of export of goods is required to be considered as the application for refund and no separate application is required to be filed.

4. It is further the case of the Petitioner that the refund of IGST so paid is required to be credited to the bank account of the exporter directly with the help of portal (GSTN), provided GSTR-1 and GSTR-3B are filed. In regard to the exports made by the Petitioner, details whereof are tabulated hereinabove, the Petitioner had paid IGST in regard to the goods which were exported and had also filed GSTR-1 and GSTR-3B on time. Therefore, it is the case of the Petitioner that the shipping bills filed in regard to the said exports were required to be treated as an application for refund and the refund of IGST paid in regard to exported goods was required to be credited in the Petitioner’s bank account.

5. The exports were made by the Petitioner in July, August and September 2017. Despite considerably long time having passed, the said refund was not credited to the Petitioner's bank account. Therefore, the Petitioner's Custom House Agent time and again personally visited Respondent No.2's office and made requests for refund of IGST in the Petitioner's bank account at the earliest. However, the same was not done.

6. It is the case of the Petitioner that, during personal visits of the Petitioner's Custom House Agent, he was informed that, as while generating the shipping bill, the Petitioner had claimed higher rate of drawback at the rate of 9% by selecting column "A", instead of lower rate of drawback at the rate of 1.9% by selecting column "B", the Petitioner would not be eligible to avail refund of IGST. Thereafter, by a letter dated 13th March 2020 addressed to Respondent No.2, the Petitioner requested him to pay the said amount of refund at the earliest in accordance with the provisions of the statute.

7. Since the Respondents failed to refund the IGST amount of Rs.45,88,237/- claimed by the Petitioner, the Petitioner filed the present Petition seeking refund of the said amount.

8. After filing of this Petition, this Court passed an Order dated 25th September 2023, whereby the Respondents were directed to apply their mind to the application / letter of the Petitioner and take an appropriate decision before the next date of hearing. The Petitioner was also permitted to submit written submissions and the Respondents were directed to hear the Petitioner before taking a decision.

9. The Petitioner submitted detailed written submissions dated 3rd October 2023. The Petitioner was heard by the Commissioner of Customs on 4th October 2023. Thereafter, an Order dated 6th October 2023 was passed by the Commissioner rejecting the Petitioner's claim for refund. The Petitioner

amended the Petition and impugned the said Order dated 6th October 2023 also.

10. Mr.Trivedi, the learned counsel appearing on behalf of the Petitioner, submitted that, while deciding whether refund of IGST paid on exported goods is to be granted to not, the relevant provisions are Section 16(3)(b) of the IGST Act, Section 54 of the CGST Act and Rule 96 of the CGST Rules. He submitted that the Respondents cannot choose to place reliance on other provisions apart from these provisions. He submitted that Section 54 of the CGST Act deals with all sorts of refund of GST. Section 54(1) covers refund of GST paid on export final product which is to be considered as “Zero Rated Supply” as per Section 16(3)(b) of the IGST Act. The procedure for availing the same is provided in Rule 96 of the CGST Rules.

11. Mr.Trivedi further submitted that Section 54(3) of the CGST Act dealt with refund of unutilized input tax credit accumulated on account of inverted rate structure and also such input tax credit of GST being accumulated on account of exports made without payment of tax under section 16(3)(a) of the IGST Act. The procedure for availing the same was provided in Rule 89 of the CGST Rules. The same had nothing to do with refund of IGST paid on exported goods in accordance with Section 16(3)(b) of the IGST Act, which is to be availed under Rule 96 of the CGST Rules.

12. Mr.Trivedi further submitted that Section 54(3) specifically incorporates that refund of unutilized credit of IGST being accumulated on account of exports made without payment of GST, i.e. under Section 16(3)(a), would not be allowed if drawback at higher rate is availed. However, there is no such restriction in Section 54(1). Thus, refund of IGST paid on exported goods, which is due and payable in accordance with Section 16 (3)(b) of the IGST Act read with Section 54 of the CGST Act read with Rule 96 of the CGST Rules,

cannot be withheld / denied on the ground that drawback at higher rate is claimed.

13. Mr.Trivedi further submitted that refund of IGST paid on exported goods could only be withheld / denied in case of contingencies arising as per Rule 96(4) of the CGST Rules. He submitted that the said provision does not cover the case where drawback at a higher rate is claimed in regard to the exported goods.

14. Further, Mr.Trivedi submitted that the contention of the Respondents that refund is to be denied because of Notification No.131/2016 – Cus.(N.T.) dated 31st October 2016, Notification No.73/2017 – Cus.(N.T.) dated 26th July 2017, Circular No.32/2017 dated 20th July 2017 and Circular No.37/2018-Customs dated 9th October 2018 is completely erroneous. He submitted that the drawback provisions are separate, distinct and complete code in themselves. The provisions under Chapter - X of the Customs Act, i.e. Sections 74, 75, 75A and 76 as well as the Customs and Central Excise Duties Drawback Rules, 1995 and Customs and Central Excise Duties Drawback Rules, 2017 particularly provide for granting of drawback as well as recovery of drawback along with interest if it is found that the drawback is erroneously or wrongfully paid.

15. Mr.Trivedi further submitted that Notification No.131/2016-Cus.(N.T.) dated 31st October 2016 relied upon by the Respondents would show that the same clearly incorporates that drawback is available subject to various notes and conditions. He submitted that the same meant that in case any of the notes and conditions of the said Notification were not complied with, the only outcome would be that drawback would not be available or that if it is already paid, the same would have to be recovered as provided in the aforesaid Rules. Further, Mr.Trivedi submitted that Notification No.73/2017-Cus.(N.T.) dated

26th July 2017 amends the notes and conditions of the said Notification No. 131/2016. A new condition No.12A is added. A perusal of the same would show that the exporter may declare that he has not availed credit of IGST and that he will not avail the same in future in regard to the export products or inputs / inputs services used in manufacture of export products or he declares that no refund of IGST paid on export products shall be claimed or he has not carried forward and shall not carry forward the amount of CENVAT credit on export credited under the CGST Act. Mr.Trivedi, submitted that, even if it is assumed that this condition is violated, the only outcome would be that the Respondents may recover the higher drawback amount. However, refund of IGST could not be withdrawn / denied.

16. Mr.Trivedi further submitted that even condition no.12A has been complied with by the Petitioner because the Petitioner had not availed and shall not avail input tax credit of the CGST or of the IGST. He submitted that, as the Petitioner had complied with one option, the Petitioner was not required to comply with another option of not availing IGST refund in regard to exported goods.

17. Mr.Trivedi submitted that Circular No.32/2017 dated 20th July 2017, is nothing but an image of the aforesaid condition no.12A. It provides clarification regarding exports under claim for drawback in the GST scenario. It contemplates that a declaration is to be submitted by the exporter claiming drawback at higher rate. A format of the said declaration which is a part of the same Circular would show that this declaration is nothing but a mirror image of the aforesaid condition no.12A

18. Mr.Trivedi submitted that since the said condition as well as the said declaration gives an option to the exporter claiming drawback at higher rate of either not availing credit as aforesaid or not claiming refund of IGST, the

Petitioner had rightly chosen not to avail the credits. He submitted that therefore, even in that view of the matter, there was no violation of the Circular and that the refund of IGST was required to be granted to the Petitioner.

19. As regards Circular No.37/2018 - Customs dated 9th October 2018, Mr.Trivedi submitted that it is mentioned in paragraph 3 thereof that where the exporters have made declaration of not availing refund of IGST and on that basis they have claimed drawback at higher rate, no refund of IGST would be paid to them in regard to the exported goods. Mr.Trivedi submitted that no such declaration was given by the Petitioner. Further, the Petitioner had chosen to opt for not availing input tax credit as a condition for claiming drawback at higher rate in regard to the exported goods. Therefore, the said Circular did not prevent the Petitioner from getting refund of IGST paid on exported goods.

20. Mr.Trivedi submitted that the issue involved in the present Petition is covered by various judgements and referred to the following judgements:

- i) *Sunlight Cable Industries vs. The Commissioner of Customs NS II and 2 Ors.*¹
- ii) *Gujarat Nippon International Pvt.Ltd. vs. Union of India*²
- iii) *M/s.AIM Worldwide Pvt.Ltd. vs. Union of India*³
- iv. *M/s.Vimla Food Products vs. Union of India*⁴
- v. *M/s.Jaysons Exports vs. Union of India*⁵

1 Judgement of Bombay High Court in Writ Petition No.284 of 2021 dated 27th June 2023

2 2022 (64) G.S.T.L. 45 (Bom.)

3 Judgement of Gujarat High Court in Special Civil Application No.15648 of 2020 dated 22nd December 2021

4 Judgement of Gujarat High Court in Special Civil Application No.16028 of 2020 dated 22nd December 2021

vi. *Amit Cotton Industries vs. Principal Commissioner of Customs*⁶ and order dated 22nd March 2021 of the Supreme Court dismissing the SLP against the same.

vii. *Awadkrupa Plastomech Pvt.Ltd. vs. Union of India*⁷ and order dated 30th July 2021 of the Supreme Court dismissing the SLP against the same.

viii. *Gujarat Nippon International Pvt.Ltd. vs. Union of India*⁸

ix. *Phoenix Contact India Pvt.Ltd. vs. Commr. of Cus. (Exports), New Delhi*⁹

x. *Nilamel Exports vs. Union of India*¹⁰

xi. *G NXT Power Corp. vs. Union of India & Ors.*¹¹

xii. *Precot Meridian Ltd. vs. The Chief Commissioner of Customs*¹²

xiii. *R.P.Exim vs. The Principal Commissioner of Customs*¹³

xiv. *TMA International Pvt. Ltd. vs. Union of India*¹⁴

xv. *Kishan Lal Kuria Mal International vs. Union of India*¹⁵

5 Judgement of Gujarat High Court in Special Civil Application No.13157 of 2022 dated 19th October 2022

6 2019 (29) G.S.T.L. 200 (Guj.)

7 2021 (46) G.S.T.L. 31 (Guj.)

8 2022 (64) G.S.T.L. 438(Del.)

9 2022 (64) G.S.T.L. 163 (Del.)

10 2019 (29) G.S.T.L. 692 (Ker.)

11 Judgement of the Kerala High Court at Ernakulam in WP(C) No.2981 of 2019 (W) dated 29th August 2019

12 Judgement of the Kerala High Court at Ernakulam in WP(C) No.27772 of 2019 (V) dated 1st November 2019

13 2023 (69) G.S.T.L.240 (Guj.)

14 2020 (35) G.S.T.L. 22 (Del.)

15 2023 (69) G.S.T.L. 51 (Del.)

21. As far as the Order dated 6th October 2023 was concerned, Mr.Trivedi submitted that, instead of allowing the refund of IGST, it wrongly rejected the same. He submitted that a perusal of the said order would show that it is admitted therein that the Petitioner had complied with condition no.12A and had not availed ITC as mentioned hereinabove. Mr.Trivedi further submitted that it is also admitted therein that the drawback at higher rate was correctly availed in accordance with the relevant provisions mentioned hereinabove, He further submitted that it was also admitted that Chapter-X of the Customs Act, 1962 and the Drawback Rules are a complete code in itself and if it is found that the drawback is incorrectly availed, the same can be recovered along with interest.

22. On the other hand, Mr.Mishra, appearing on behalf of the Respondents, defended the said Order dated 6th October 2023. Mr.Mishra, also submitted that the judgements on the issue show that, where refund of IGST has been ordered, the party has been directed to pay back the differential amount of drawback if higher drawback has been claimed by the party.

23. Mr.Mishra submitted that the Petitioner cannot claim IGST refund and retain drawback at the higher rate claimed by it. In support of his submissions, Mr.Mishra relied upon the following judgements:

- i) *Kishan Lal Kuria Mal International vs. Union of India (Supra)*
- ii) *R.P.Exim vs. Pr.Commissioner of Customs (Supra)*
- iii) *Gujarat Nippon International Pvt.Ltd. vs. Union of India (Bom) (Supra)*
- iv) *Gujarat Nippon International Pvt.Ltd. vs. Union of India (Del.) (Supra)*

v) *Real Prince Spintex Pvt. Ltd. vs. Union of India*¹⁶ and the order of the Supreme Court dated 19th July 2021 dismissing the SLP against the same.

24. We have heard the learned Counsel for the parties and have considered the documents and judgements referred to by them.

25. As submitted by both the parties, the issue involved in the present Petition is no longer *res integra* and is covered by various judgements referred to by the parties. These judgements have been passed on facts which are almost identical to the facts in the present case. These judgements have considered the statutory provisions like Section 16(3)(b) of the IGST Act, Section 54 of the CGST Act and Rule 96 of the CGST Rules. These judgements have also considered the various notifications and circulars referred to hereinabove. After considering these statutory provisions, notifications and circulars, these judgements have passed orders based on the factual scenario in each case.

26. On a reading of these judgements, it can be seen that in *Sunlight Cable Industries* (Supra), *Gujarat Nippon International Pvt.Ltd. (BHC)* (Supra), *M/s.Jaysons Exports vs. Union of India* (Supra), *Awadkrupa Plastomech Pvt.Ltd.* (Supra), *Gujarat Nippon International Pvt.Ltd. (DHC)* (Supra) and in *TMA International Pvt. Ltd.* (Supra), the Courts have held that, if the rate of drawback under column “A” and column “B” is the same, then, in such a situation, refund of IGST has to be ordered even if the party selects column “A”, as, because the rates are identical, by selecting column “A” the party does not get any double benefit.

16 2020 (35) G.S.T.L. 369 (Guj.)

27. Further, in *M/s.AIM Worldwide Pvt.Ltd.* (Supra), *M/s.Vimla Food Products* (Supra), *Amit Cotton Industries* (Supra), *Phoenix Contact India Pvt.Ltd.* (Supra), *Nilamel Exports* (Supra), *G NXT Power Corp.* (Supra), *R.P.Exim* (Supra), *Kishan Lal Kuria Mal International* (Supra) and *Real Prince Spintex Pvt. Ltd.* (Supra), the Courts allowed refund of IGST despite the party selecting column “A” and claiming drawback at a higher rate because the party had already paid back the differential drawback or the Courts allowed the refund of IGST by directing deduction therefrom of the differential drawback claimed.

28. In the case of *Awadkrupa Plastomech Pvt.Ltd.* (Supra), the Gujarat High Court in fact held that Circular No.37/2018 - Customs dated 9th October 2018 would apply only to cases where the exporters have availed the option to take drawback at the higher rate in place of the IGST refund out of their own volition. Further, it is held that the rationale for not allowing the refund of IGST for those exporters, who claim higher duty drawback, is that the higher duty drawback reflects the elements of Customs / Central Excise and Service Tax taken together, and since higher duty drawback is already being availed, then granting the IGST refund would amount to double benefit as the Central Excise and Service Tax has been subsumed in the GST.

29. In the present case, the Petitioner has selected Column “A” and claimed drawback at a higher rate on its own volition. It is not the case of the Petitioner that it had selected column “A” and claimed drawback at a higher rate due to some mistake.

30. The Petitioner has also not refunded or volunteered to refund the differential amount of drawback claimed by it.

31. As held by the Gujarat High Court, the higher duty drawback reflects the element of Customs / Central Excise and Service Tax taken together, and

since higher duty drawback is already being availed of by the Petitioner, then granting the IGST refund would amount to double benefit as the Central Excise and Service Tax has been subsumed in the GST. The SLP against this decision of the Gujarat High Court has been dismissed by the Supreme Court on the ground that there was a clear finding of fact recorded by the Gujarat High Court that the Respondent therein had claimed IGST export refund only to the extent of the customs component. The Supreme Court held that there was no error in the said finding of the High Court.

32. In these circumstances, the Petitioner will be entitled to refund of IGST after deducting the differential amount of duty drawback.

33. In the light of the aforesaid discussion, and for the aforesaid reasons, we pass the following orders:

- a. The Respondents are directed to grant refund of IGST paid on the goods exported by the Petitioner after deducting the differential amount of duty drawback, within 12 weeks of the date of this order, along with interest at the rate of 7% p.a. on such refund from the date of the shipping bill till the date of actual refund.
- b. The Order dated 6th October 2023 is modified to that extent.
- c. Rule is made absolute in the aforesaid terms.
- d. In the facts and circumstances of the case, there shall be no order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)