

W.P(MD)No.29339 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29339 of 2025

and

W.M.P.(MD)No.22009 of 2025

Juan Global Trading,
Rep. by its Partner L.Alwin Rex,
S/o.Lazer,
Residing at
No.2/85A, Kulankaravilai,
Kulappuram,
Kanyakumari District.

... Petitioner

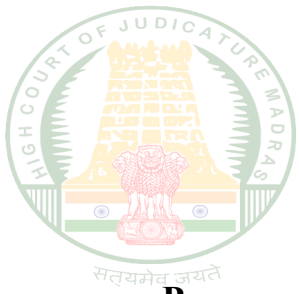
Vs.

1.The Principal Commissioner of Customs,
Mundra, 5B Port User Building,
Mundra Port, Mundra,
Kutch, Gujarat-370 421.

2.The Prime Arc Global LLC,
Rep. by its Director Sunil Antony,
Gldani District Gldani Entrance 1,
Floor 2 Apt 4, TB ILISI,
Georgia.

3.The Nexus Global Trading FZE,
C1-1F SF4168 Ajman Free Zone,
C1 Building Ajman,
United Arab Emirates.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent herein to detain the goods namely Copper Scrap 1 Bulk HS - 74040000 weighing 24,300 kgs vessel HMM SKY 0002E in Container named Shipper's Load Count, Sealed and Weight STC 1 40' H DC Container in BL No. LONA03924700 in the Mundra International Container Terminal Ltd Port and consequentially direct the 1st respondent to hand over the goods to the petitioner as per the email representation dated 11.10.2025.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.R.Gowrishankar
for R1

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the customs.

2. The writ petitioner had placed an order with the second respondent at the instance of the third respondent for purchase of certain quantity of the copper scrap. The petitioner is said to have already made the payment directly to the second respondent. The second respondent has also shipped the goods. The petitioner alleges that the second respondent had played fraud and that the goods are now proposed to be delivered to some other entity other than the



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third respondent in UAE. The goods that have been transhipped in a ship liner which would briefly halt in Mundra International Container Terminal Ltd Port in the State of Gujarat. The goods are likely to arrive on 17.10.2025 at around 08.00 pm and leave the Port for UAE a day later. The petitioner has not received any payment from the third respondent or any entity to whom the goods are now proposed to be delivered. The petitioner therefore wants this Court to direct the first respondent to detain the goods.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. She places reliance on Section 54 of the Customs Act, 1962.

4. I am not swayed by the submission of the learned counsel appearing for the writ petitioner. This is for more than one reason. The goods have been shipped from the State of Georgia. They are intended for delivery in UAE. The transhipped goods would halt for a brief while in Mundra International Container Terminal Ltd Port in Gujarat. Merely because the writ petitioner is having his place of business in Kanyakumari District, this Court cannot assume the territorial jurisdiction in the matter. Be that as it may, Section 54(1) of the Customs Act, 1962 reads as follows:-



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“54. Transhipment of certain goods without payment of duty.—(1)

Where any goods imported into a customs station are intended for transhipment, a bill of transhipment shall be presented to the proper officer in 5 [such form and manner as may be prescribed]:

[Provided that where the goods are being transhipped under an international treaty or bilateral agreement between the Government of India and Government of a foreign country, a declaration for transhipment instead of a bill of transhipment shall be presented to the proper officer in 5 [such form and manner as may be prescribed].]”

5. The aforesaid provision would kick in if the goods are imported into the customs station. The word “import” has been defined in Section 2 (23) of the Act as meaning “*bringing into India from a place outside India*”.

6. From a bare reading, it does not appear that the goods are going to be imported into India in the customs station. However, this is only a *prima facie* observation. Unless the first respondent is shown to have a legal duty in the matter, I will not be justified in issuing any writ of mandamus. The writ petitioner may have to invoke admiralty jurisdiction. Granting such liberty to the writ petitioner to avail appropriate remedy, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 15.10.2025.



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G.R.SWAMINATHAN, J.

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