

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.11.2015.

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
AND
THE HON'BLE MR.JUSTICE S.VIMALA

Writ Appeal No.1584 of 2015
and
M.P.Nos.1 to 3 of 2015

M/s.Jumbo Pine Development Limited,
China, rep. by its Power of
Attorney Holder Mr.Ganpath
No.4-1-508, Troop Bajar,
Opp. Ramakrishna Theatre,
Hyderabad 500 001. Appellant

vs.

1. The Commissioner of Customs
(Imports-Seaport),
Custom House, No.60, Rajaji Salai,
Chennai 600 001.
2. The Additional Commissioner of Customs
(Imports),
Custom House, No.60, Rajaji Salai,
Chennai 600 001.
3. The Assistant Commissioner of Customs
(Disposal),
Custom House, No.60, Rajaji Salai,
Chennai 600 001. Respondents

Writ Appeal against the order dated 10.6.2014 in W.P.No.20329 of 2013 on the file of this court. Writ petition filed under Art 226 of the constitution of India praying for the issuance of writ of Mandamus directing the respondents to release the Consignment of Snap Fasteners Sliders Elastic Tapes and Sewing Needles and other goods and permit the petitioner to re-ship the consignment of Snap Fasteners Sliders Elastic Tapes and Sewing Needles and other goods stuffed in the Container bearing No.XINU1504429 and Bill of Lading No.740200004018 dated 21.1.2012 and imported vide Bill of Entry No.5970001 dated 10.2.2012 lying in the custody and control of the respondents in the Chennai Port

For appellant : Mr.A.K.Jayaraj,

For Respondents : Mr.T.Chandrasekaran

JUDGMENT

Heard the learned counsel appearing for the appellant, as well as the learned counsel appearing for the respondents.

2. This writ appeal has been filed challenging the order of the learned Single Judge, dated 10.6.2014, made in W.P.No.20329 of 2013. The learned Single Judge had disposed of the writ petition, directing the appellant to furnish a bank guarantee for a sum of Rs.50,00,000/-, to show its bona fide intention to the adjudicating authorities, to consider its request for re-shipment of the goods in question. A further direction has been issued by the learned Single Judge, directing the respondents to complete the adjudication process, within a period of four months from the date of receipt of copy of the said order, after affording a reasonable opportunity to the appellant, as well as the importer.

3. We do not find sufficient reasons to interfere with the order passed by the learned Single Judge, dated 10.6.2014, except with regard to the value of the bank guarantee, directed to be furnished by the appellant, for participating in the adjudicating process.

4. At this stage of hearing of the writ appeal, the learned counsel appearing for the appellant had submitted that the appellant would furnish a bank guarantee for a sum of Rs.8,00,000/-, to the satisfaction of the first respondent.

5. Accordingly, the appellant shall furnish a bank guarantee for a sum of Rs.8,00,000/-, to the satisfaction of the first respondent, within a period of two weeks from the date of receipt of a copy of this judgment, and on furnishing such a bank guarantee, the petitioner shall be permitted, by the adjudicating authority, to participate in the adjudicatory process, with regard to the goods in question. The appellant, as well as the importer, shall be heard by the adjudicating authority and an appropriate order shall be passed thereafter, including the issue relating to the request of the appellant for the re-shipment of the goods in question, within a period of three months from the date of furnishing of the bank guarantee. It is made clear that it would be open to the appellant to make a request before the adjudicating authority for the issuance of the detention certificate, in respect of the goods in question.

6. Accordingly, the writ appeal is disposed of with the above direction. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.
To

1. The Commissioner of Customs
(Imports-Seaport),
Custom House, No.60, Rajaji Salai,
Chennai 600 001.
2. The Additional Commissioner of Customs
(Imports),
Custom House, No.60, Rajaji Salai,
Chennai 600 001.
3. The Assistant Commissioner of Customs
(Disposal),
Custom House, No.60, Rajaji Salai,
Chennai 600 001.

+ 1 cc to Mr.A.K. Jayaraj, Advocate SR.64825
+ 1 cc to Mr.T. Chandrasekaran, Advocate Sr.64390

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KJI(CO)
EU 11.1.16

सत्यमेव जयते

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