

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.2029 and 2030 of 2015

M/s.SRA Systems Ltd.,
Rep.by Director,
No.100, Valluvar Kottam High Road
Nungambakkam
Chennai-600 034

...Petitioner in both cases

Vs.

1.The Deputy Commissioner of Customs
Group-7, ACC
Air Port and Air Cargo Complex,
Meenambakkam,
Chennai-600 027

2.The Deputy Commissioner of Customs (RRU)
Air Port and Air Cargo Complex
Meenambakkam
Chennai-600 027

...Respondents in both cases

Prayer in W.P.No.2029 of 2015:- Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records of the case relating to the impugned recovery notice in F.No.S.Misc.06/2011-RRU (AIR) dated 22.11.2014/25.11.2014 issued by the 2nd respondent and to quash the same.

Prayer in W.P.No.2030 of 2015:- Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records of the case relating to the impugned order in Original No.948/2009-Gr-7 (ACC), dated 30.12.2009 passed by the first respondent and to quash the same.

For Petitioner : Mr.T.Ramesh

For Respondent : Mr.Haja Mohideen Gisthi

COMMON ORDER

The petitioner has come forward with the aforesaid prayer.

2. Petitioner case is that original order has not been served on him and even though it has been stated to be served on the petitioner, it has not been served. Petitioner has also made an application under the Right to Information Act, wherein it has been stated that the despatch details were not available. Admittedly, the order has been passed on 30.12.2009 and petitioner was demanded to pay a sum of Rs.2,22,164/- together with interest from 17.11.1995.

3. Learned counsel for the respondent contended that the order referred to which was communicated to the petitioner, there is no proof for despatch of the same and there is no acknowledgment on the file. Hence, accepting the contention of the petitioner the impugned order passed by the first respondent in Original No.948/2009-Gr-7 (ACC), dated 30.12.2009 is set aside. Consequently, the impugned recovery notice in F.No.S.Misc.06/2011-RRU (AIR) dated 22.11.2014/25.11.2014 issued by the second respondent is also set aside.

4. With the above observation, writ petition is disposed of. No costs. Connected miscellaneous petitions are closed. Petitioner is directed to treat the xerox copy of the order as original one and prefer an appeal within 15 days from today and that the petitioner shall pay 10% of the amount together with accrued interest as mentioned in the impugned order before filing the appeal. Without depositing the amount, the appeal need not be entertained. The impugned order shall stand restored.

Sd/-

Assistant Registrar (AD-I)

//True Copy//

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To

1.The Deputy Commissioner of Customs
Group-7, ACC
Air Port and Air Cargo Complex, Meenambakkam,
Chennai-600 027

2.The Deputy Commissioner of Customs (RRU)
Air Port and Air Cargo Complex
Meenambakkam
Chennai-600 027.

1 CC to Mr.Haja Mohideen Gisthi, Advocate SR.No. 18130

1 CC to Mr.T.Ramesh, Advocate SR.No. 17563

W.P.Nos.2029 and 2030 of 2015

BR (CO)
PSI (24.04.2015)



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