

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22173/2015

and

M.P.No.1 of 2015

M/s.A.S.Enterprises
No.3/5 Sulthan Street,
Mannady, Chennai-600 001
Repd. by its Proprietor V.A.Sahul Hameed.

... Petitioner

Vs

1. Commissioner of Customs
Group-6 Customs House
No.60 Rajaji Salai
Chennai-600 001.
2. The Deputy Commissioner of Customs (SIIB)
Customs House No.60
Rajaji Salai Chennai-600 001.
3. The Deputy Commissioner of Customs (Group-6)
Custom House No.60
Rajaji Salai Chennai-600 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents to assess and clear the imported goods viz. Led Spare parts for Lighting Fixtures Spare Parts for Lighting Fixtures and Capacitor for Lighting Fixtures covered under Bill of Entry No.8915658 dated 15.04.2015 in terms of section 110-A of Custom Act 1962 read with customs (Provisional Duty Assessment Regulations) 1963.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.Santhanaraman,
Senior Standing Counsel

ORDER

The writ petition is filed for the issuance of a writ of mandamus directing the respondents to assess and clear the imported goods viz. LED Spare parts for Lighting Fixtures Spare Parts for Lighting Fixtures and Capacitor for Lighting Fixtures covered under Bill of Entry No.8915658 dated 15.04.2015 in terms of section 110-A of Custom Act 1962 read with customs (Provisional Duty Assessment Regulations) 1963.

2. For the purpose of provisional release of the goods seized and detained, the petitioner submitted an application on 07.07.2015 under acknowledgment. Though, the said application is not properly worded, according to the learned counsel for the petitioner it is nothing but a claim to release the goods provisionally.

3. The learned standing counsel of the department submitted that if an application in proper format is placed before the authority, the same will be considered on merits. The said submission is recorded.

4. The learned counsel for the petitioner fairly submitted that the petitioner may be permitted to file a fresh application, so that the respondent can pass necessary orders. He also submitted that the regulation 1963 specifies provisional release of goods seized by collection of bond and such security as required. In view of the above, the petitioner is permitted to file an application within one week from the date of receipt of a copy of this order and also directed to appear before the respondent on the date and time so specified so as to assess as provided by law. The matter shall be decided within 3 weeks from the date of receipt of the application submitted by the petitioner.

5. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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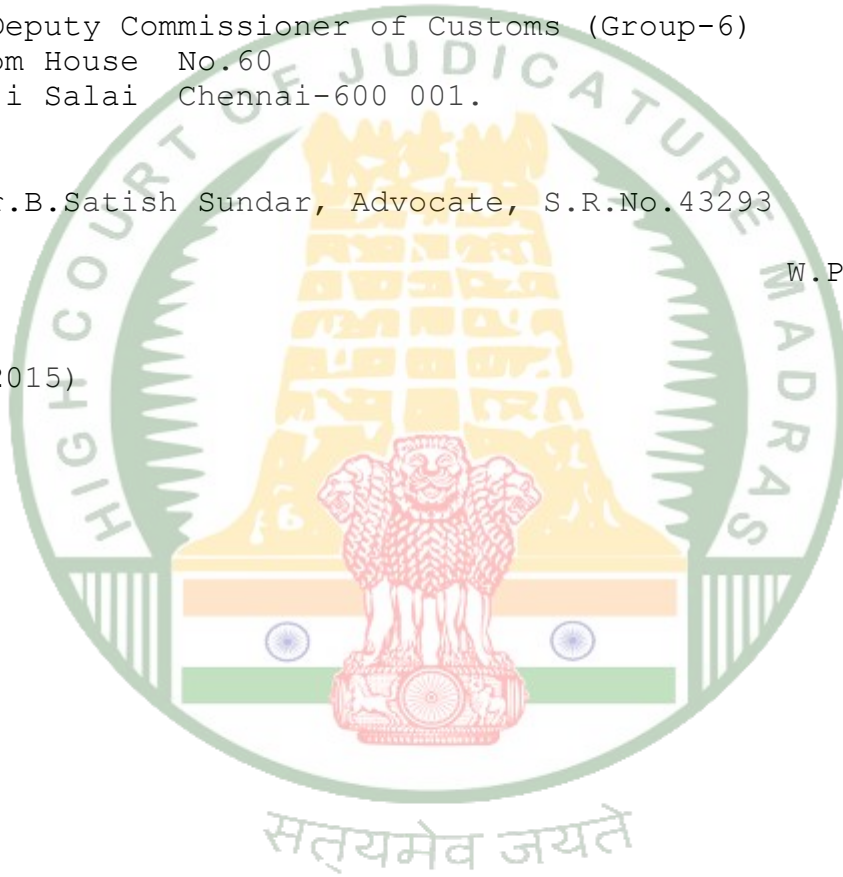
To

1. Commissioner of Customs
Group-6 Customs House
No.60 Rajaji Salai
Chennai-600 001.
2. The Deputy Commissioner of Customs (SIIB)
Customs House No.60
Rajaji Salai Chennai-600 001.
3. The Deputy Commissioner of Customs (Group-6)
Custom House No.60
Rajaji Salai Chennai-600 001.

+1cc to Mr.B.Satish Sundar, Advocate, S.R.No.43293

W.P.No.22173/2015

RJ(CO)
CA(24/08/2015)



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