

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25043 of 2015

M/s.Shri Siddhivinayak Technologies Pvt Ltd.

Represented by its Director

Mr.Ashutosh Sharma

A-18, Sector-67, Gautam Budhi Nagar,

Noida-201 301, Uttar Pradesh

...

Petitioner

Vs.

The Commissioner of Customs,

Commissionerate-II, Custom House, No.60,

Rajaji Salai,

Chennai-600 001

...

Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to provisionally release the goods detained vide panchnama dated 30.01.2015 in terms of Section 110A of the Customs Act, 1962.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.T.Chandrasekaran
Senior Panel Counsel

O R D E R

This Writ petition has been filed seeking for a direction to the respondent to provisionally release the goods detained vide panchnama dated 30.01.2015 in terms of Section 110A of the Customs Act, 1962.

2. The petitioner has stated that he is engaged in the trading of different types of refrigerant gas and they have been purchasing the same from entities. During the course of their business, the petitioner has purchased 9,455 kgs quantity of Chlodifluoromethane (R-22)-org (Refrigerant gas) in 155 nos. cylinders each weighing 61 kgs from M/s.Reflex Industries Limited,Kanchipuram and those cylinders have been seized by the authorities and a Panchnama dated 30.01.2015 and Mahazar dated 31.01.2015 were drawn.

3. The petitioner approached this Court by the Writ petition in W.P.No.11472 of 2015 seeking provisional release of the goods seized and this Court by an order dated 15.06.2015, had dismissed the Writ Petition filed by the petitioner with liberty to approach the appropriate authority for the release of the goods. The petitioner has submitted an application dated 15.07.2015 requesting the respondent to provisionally release the goods seized by the authorities and the same is said to be pending. Hence, the petitioner has come forward with this writ petition seeking for the aforesaid relief.

4. Heard the learned counsel for the petitioner as well as the learned senior panel counsel appearing for the respondent.

5. The learned counsel for the petitioner submitted that it would suffice, if the application of the petitioner dated 15/07/2015 is considered and necessary orders passed, by the respondent.

6. The learned senior panel counsel appearing for the respondent would submit that the representation submitted by the petitioner on 15.07.2015, would be considered on merits and in accordance with law, within a specified period.

7. In view of the submissions made by the learned counsels appearing on either side, the respondent is directed to dispose of the representation of the petitioner, dated 15.07.2015, on merits and in accordance with law, after affording opportunity to the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.
arr

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To
The Commissioner of Customs,
Commissionerate-II, Custom House, No.60,
Rajaji Salai,
Chennai-600 001

+ 1 cc to Mr.T.Chandrasekaran, Advocate SR 44430

+ 1 cc to M/s.Hari Radhakrishnan, Advocate SR 44751
mp(co)
prk24/8

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