

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4761 of 2015

M/s.Ram-Nath and Co.Pvt. Ltd.,
rep. by its Director V.Harinarayanan

.. Petitioner

Vs.

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

2.The Deputy Commissioner of Customs (Group 2),
Custom House, No.60,Rajaji Salai,
Chennai-600 001.
Respondents ..

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to finalise the assessments made in Ex-bond bill of entry No.7021417 dated 10.10.2014 and to re-assess the bill of entry No.7351891 dated 12.11.2014 and 7550522 dated 01.12.2014 in the light of order-in-Appeal C.Cus.II.No.3 & 4/2015 dated 19.01.2015 passed by the Commissioner of Customs (Appeals-II), Chennai and cause clearance of the said goods within a reasonable time frame.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.S.Xavier Felix,
SCGSC for customs

W E B C O P Y
O R D E R

The Writ Petitioner has come forward with the aforesaid prayer.

2.Even though the petitioner has sought for a larger prayer to finalise the assessment, within a time frame that may be fixed by this Court, the respondents submitted that the prayer sought for asking the authority to take into account the decision of the Commissioner of Customs Appeal and then to pass appropriate orders, may not be granted, as each fact will have to be considered based upon the facts and circumstances of the case. Unless the petitioner is able to convince the authority, the order dated 19.01.2015 passed by the Commissioner is applicable to the petitioner and the

same would be considered. But, the prayer sought for as it is, shall not be granted.

3.Heard both sides.

4.Taking into account the facts and circumstances of the case, I direct the authority to finalise the assessments made in Ex-bond bill of entry No.7021417 dated 10.10.2014 and to re-assess the bill of entry No.7351891 dated 12.11.2014 and 7550522 dated 01.12.2014 and to pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of personal hearing to the petitioner. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga
To

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

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

+ 1 cc to M/s. Hari Radhakrishnan, Advocate SR.10545

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PPA(CO)
EU 11.03.2015

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