

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.13206 and 13207 of 2016

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 in both
the Petitions

Vs.

The Commissioner of Customs
Chennai II, Commissionerate
Custom House, No.60 Rajaji Salai
Chennai - 600 001 ... Respondent in both
the Petitions

Prayer in WP No.13206/16 : This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records pertaining to impugned proceeding of the respondent in Order F.No.S.Misc.430/2015-Gr.2 dated 15.10.2015 and quashing the same.

Prayer in WP No.13207/16: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondent to reconsider the request made for 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 Respondent : Mr.A.P.Srinivas
Senior Panel Counsel

O R D E R

Heard Mr.Hari Radhakrishnan, learned counsel for the petitioner and Mr.A.P.Srinivas, learned senior panel counsel for the respondent. With the consent of the learned counsel appearing on either side, the writ petitions themselves are taken for final disposal.

2. In both the writ petitions the petitioner is one
<https://hcservices.ecourts.gov.in/hcservices/>

and the same company, namely M/s.Shri Siddhivinayak Technologies Pvt. Ltd., In W.P.No.13206 of 2016, the petitioner has challenged the order dated 15.10.2015 passed by the respondent whereby the request made by the petitioner for release of the goods was rejected. The petitioner has filed another writ petition in W.P.No.13207 of 2016 to reconsider the request for provisional release. In the normal circumstances, W.P.No.13207 of 2016 will not be maintainable since already the request has been rejected. However, due to the subsequent development, learned counsel for the petitioner submits that the request made by the petitioner for release of the goods may be considered in the light of the fact that the investigations has already been completed by the Directorate of Revenue Intelligence and a show-cause notice dated 23.01.2016 has been issued to the petitioner.

In the light of the submission made by the learned counsel for the petitioner, W.P.No.13206 of 2016 is dismissed and W.P.No.13207 of 2016 is disposed of by directing the respondent to consider the petitioner's request for provisional release of the cargo as it is stated that the show-cause notice has already been issued on the petitioner, who is stated to be a purchaser of the goods illegally. The request made by the petitioner is directed to be considered within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gpa

To

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

1 cc to Mr.A.P.Srinivas, Advocate, sr.35284
1 cc to Mr.HariRadhakrishnan, Advocate, sr.35591

W.P.Nos.13206 and 13207 of 2016

skv co
kra 11.07.2016