

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.15398 to 15400 of 2016

&

W.M.P.Nos. 13422 to 13424 of 2016

Vikas Solanki Jain ... Petitioner in W.P.No.15398/2016

Durga Trading Company
rep. By its Proprietor
Shri. VendharasiRenu Prakash

... Petitioner in W.P.No.15399/2016

Xpress Impex
rep. By its Proprietor
Shri. Rakesh Solanki

... Petitioner in W.P.No.15400/2016

Vs

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

... Respondents in all W.Ps.

Common Prayer in all W.Ps : These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for Writ of certiorari to call for the records pertaining to the impugned Order-in-original No.44986/2016 dated 29.01.2016 issued in F.No.CAU/DRI/CHE/53/2014, issued by the respondent and quash the same.

For Petitioners : Mr.Hari Radhakriahnan

For Respondent : Mr.A.P.Srinivas
Senior Panel Counsel

C O M M O N O R D E R

Heard Mr.Hari Radhakriahnan, learned Counsel appearing for the petitioners and Mr.A.P.Srinivas, learned Senior Panel Counsel accepting notice on behalf of the respondent, and with the consent of learned counsel appearing on either side, the writ petitions are taken up for final disposal.

2. In these Writ Petitions the petitioners have come before this Court on a very short ground by stating that the impugned order has been passed by the Adjudicating Authority, wherein it has been stated that the petitioners are liable for payment of the anti-dumping duty and the interest. This submission is by referring to paragraph No.48(I)(iii) of the impugned order.

3. On a perusal of the same, it is seen that the Adjudicating Authority has confirmed the anti-dumping duty and ordered recovery of interest under section 28 AA of the Customs Act, 1962 on the anti-dumping duty 'evaded by them'. It is the submission of the petitioners that demand can be raised only against one person and it could not be on two or more persons.

4. If that be the case, the petitioners could not have come before this Court. The allegation which has ultimately resulted in the impugned order is that the import of PVC flex banners by Vikas Jain, has been made in the name of Durga Trading Company, a proprietary concern and the proprietor is none other than the brother of Vikas Jain. According to the learned counsel for the petitioner, the CESTAT has been time and again reprehending the Department from passing orders, making more persons to bear duty or interest.

5. In my view this is no ground for entertaining Writ Petitions and all the grounds which are available to the petitioners could very well be raised before the Tribunal. Therefore, this Court is not inclined to entertain the Writ Petitions.

6. Accordingly, the Writ Petitions are dismissed. However, liberty is granted to the petitioners to approach the Tribunal. The Tribunal while computing the limitation, may consider excluding the period during which the writ petitions were pending before this Court i.e. from 25.04.2016, till date. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rpa

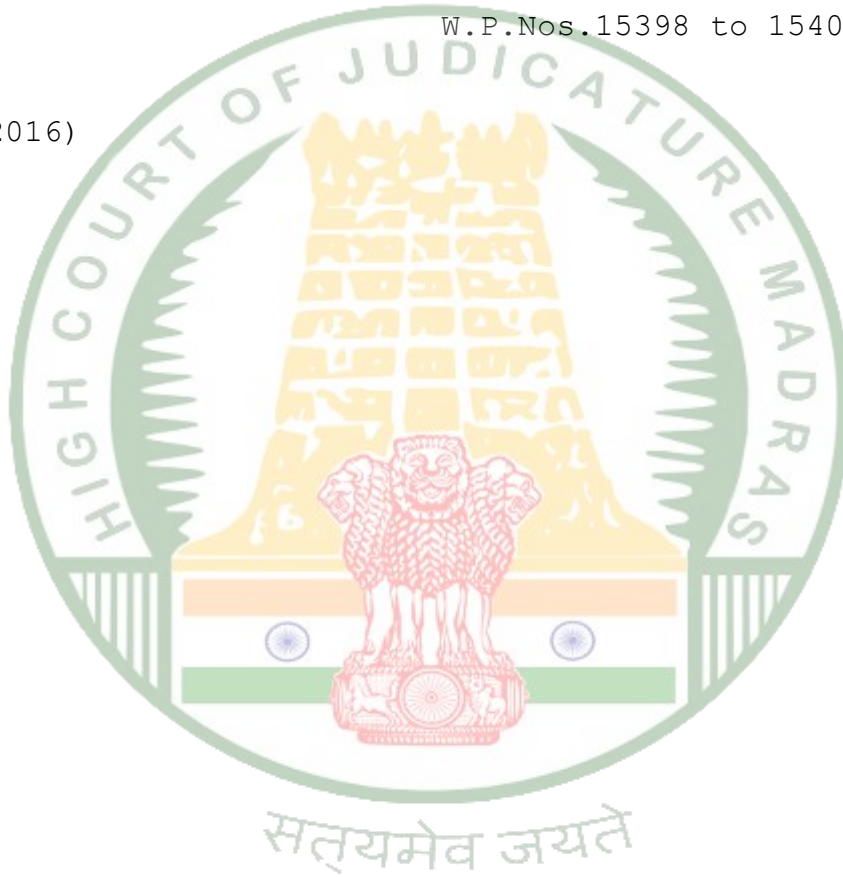
To

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

+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.30756

W.P.Nos.15398 to 15400 of 2016

CA(23/06/2016)



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