

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No. 29600 of 2015 of 2015 &
M.P.No.1 of 2015

M/s. Sun Direct TV Pvt Ltd
Rep. by its Authorized Signatory
Mr. S. Rajaraman
Murasoli Maran Towers
No.73, MRC Nagar Main Road
MRC Nagar
Chennai - 600 028

.. Petitioner

v.

- 1 The Commissioner of Customs (Air & Air Cargo)
New Custom House
Meenambakkam
Chennai - 600 027
- 2 The Assistant Commissioner of Customs (Group 5A)
New Custom House
Meenambakkam
Chennai - 600 027
- 3 The Assistant Commissioner of Customs (Group 5)
Custom House
No. 60 , Rajaji Salai
Chennai - 600 001

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to finalise the bills of entry No. 8999573, dated 22.04.2015 in terms of Final Order Nos. 800-801/2009, dated 2-7-2009 in Appeal Nos. C/83-84/2009 of Honourable CESTAT within a reasonable time frame and consequently further direct the 2nd Respondent to finally assess all subsequent imports of set-top boxes by the petitioner in terms of Final Order Nos. 800-801/2009 dated 2-7-2009 in Appeal Nos. C/83-84/2009 of Honourable CESTAT.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.A.P.Srinivas, Standing
Counsel

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus to direct the second respondent to finalise the Bill of Entry dated 22.04.2015 in terms of Final Order dated 2.7.2009 in Appeal Nos. C/83-84/2009 on the file of CESTAT within a reasonable time frame and consequently further direct the second respondent to finally assess all subsequent imports of set-top boxes in terms of Final Order Nos.800-801/2009 in Appeal Nos.C/83-84/2009 on the file of CESTAT.

2. Mr.Hari Radhakrishnan, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, by order dated 11.12.2015, in W.P.Nos.29601 of 2015 and 34251 of 2014, directed the respondents to complete the assessment after providing due opportunity to the petitioner and thereafter pass necessary orders, within a period of six weeks.

3. In the present case also, learned counsel appearing for the petitioner submitted that it would suffice, if the assessment is completed in accordance with law, within a stipulated time.

4. Mr.A.P.Srinivas, learned Standing Counsel, appearing for the respondents, submitted that necessary orders would be passed on merits and in accordance with law.

5. In these circumstances, the respondents are directed to complete the assessment after providing due opportunity to the petitioner and thereafter pass necessary orders, within a period of six weeks, from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

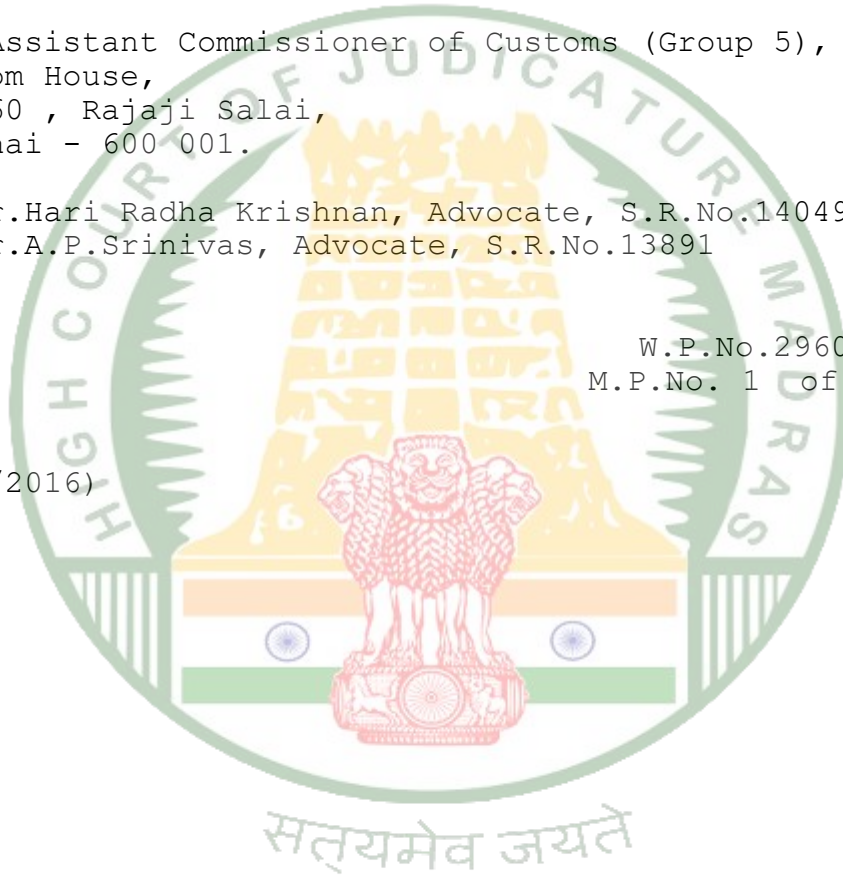
To

- 1 The Commissioner of Customs (Air & Air Cargo),
New Custom House,
Meenambakkam ,
Chennai - 600 027.
- 2 The Assistant Commissioner of Customs (Group 5A),
New Custom House,
Meenambakkam,
Chennai - 600 027.
- 3 The Assistant Commissioner of Customs (Group 5),
Custom House,
No. 60 , Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.Hari Radha Krishnan, Advocate, S.R.No.14049
+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.13891

W.P.No.29600 of 2015 &
M.P.No. 1 of 2015

vgi(CO)
srg(29/03/2016)



WEB COPY