

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.27180 of 2016
and
W.M.P.No.23335 of 2016

M/s.Rainbow Traders
Rep by its Proprietrix Mrs.Kamalabai
No.30, Chelliah Complex, 3rd Floor
Kasi Chetty Street, Chennai – 600 001.
Tamilnadu

.. Petitioner

..Vs..

1.The Commissioner of Customs (Group 7H)
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.

2.The Joint/Additional Commissioner of Customs (Group 7H)
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.

3.The Deputy Commissioner of Customs (SIIB)
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.

.. Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to release the goods viz., 640 Catons of TPU Tape, 108 Cartons of Glass Stone for Ladies Footwear, 50 Cartons of Cotton Rags and 3 Cartons of Glass Beads (Garments Accessories),

imported vide Bill of Entry No.6071428, dated 21.07.2016 on the value declared by the petitioner at USD 20541.47 totally.

For Petitioner : Mr.A.K.Jayaraj

For Respondents : Mr.T.Pramod Kumar Chopda, S.C.G.S.C.,

ORDER

Heard Mr.A.K.Jayaraj, learned counsel appearing for the petitioner and Mr.T.Pramod Kumar Chopda, learned Senior Central Government Standing Counsel appearing for the respondents and with the consent of either side, the writ petition itself is taken up for final disposal.

2.The petitioner has filed this writ petition praying for issuance of a writ of mandamus to direct the respondents to release the goods which they have imported vide Bill of Entry No.6071428, dated 21.07.2016.

3.The learned Senior Central Government Standing Counsel appearing for the respondents has produced a copy of the written instructions given by the Deputy Commissioner of Customs (SIIB) to the Deputy/Assistant Commissioner of Customs, Legal Section (Sea), Custom House, Chennai, dated 16.08.2016. The operative portion of the said communication reads as follows:

"5.The above referred bill of Entry no.6071428 dated 21.07.2016 was examined at Sattva II CFS in the presence of Shri

Narendra Kumar Vora, the authorised person of the importer on 03.08.2016. The report dated 03.08.2016 is enclosed herewith for your kind reference. In this report it is stated that the pkgs are tallied with import documents but weight of the container is having an excess of 1450 kgs than declared in the import documents and the Bill of Lading date i.e. 03.05.2016 is prior to the invoice date i.e. 04.05.2016. Based on the above, a letter to The D.C (Gr.7H) was sent on 04.08.2016 informing them that the SIIB is not investigating the case and requested to process the bill of entry as per law.

6.In view of the above, it is evident that there is no delay on part of the Department and the delay is because of the non appearance of IEC holder.

7.As the SIIB is not investigating the case and recommended for release of the goods in accordance with law, the writ petition may be prated to be closed as infructuous. As the SIIB is not dealing with the imported goods for the above referred Bill of Entry any more, further comments if any may be obtained from Group 7H please."

4.Thus, from the stand taken in the above communication, it is seen that SIIB is not investigating the case and has recommended for release of the goods in accordance with law. Accordingly, there will be a direction to the first

respondent to release the consignment after completion of the formalities within a period of two weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

18.08.2016

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Note: Issue order copy on 19.08.2016

To

- 1.The Commissioner of Customs (Group 7H)
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.
- 2.The Joint/Additional Commissioner of Customs (Group 7H)
Custom House, No.60, Rajaji Salai,
Chennai – 600 001.
- 3.The Deputy Commissioner of Customs (SIIB)
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T.S.SIVAGNANAM, J

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