

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35911 of 2016
and W.M.P.No.30850 of 2016

M/s.Sri Sam Ram Enterprises,
Rep. by its Proprietor
Mr.S.Chandrashekar
No.213, K.H.Road, Ayanavaram,
Chennai - 600 023.

... Petitioner

vs.

1.The Commissioner of Customs - IV,
Group - 7H, Customs House,
No.60, Rajaji Salai, Chennai-600 001.

2.The Joint/Additional Commissioner
of Customs (Group 6),
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

3.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai - 600 017.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents herein to release the goods viz., 254 Packages of Furnitures viz., 8 packages of Sofa 3 Seater, 72 packages of Door Shutters, 10 packages of Mattress, 21 packages of Dining Table & Chair, 14 packages of T.V.Table, 4 packages of Dressing Table & Stool and 125 packages of Cot imported vide Bill of Entry No.6463078 dated 23.08.2016, which was finally assessed by the Proper Officer under the Customs Act and total Duty of Rs.1,61,440/- was also paid on 13.09.2016.

For Petitioner : Mr.A.K.Jayaraj

For Respondents: Mr.T.Pramod Kumar Chopra
Senior Panel Counsel (For R1 and R2)
Mr.V.Sundareswaran (For R3)

ORDER

Heard Mr.A.K.Jayaraj, learned counsel appearing for the petitioner and Mr.T.Pramod Kumar Chopra, learned Senior Panel Counsel appearing for the respondents 1 and 2 and Mr.V.Sundareswaran, learned appearing counsel for the 3rd respondent. By consent, the writ petition is taken up for final disposal.

2.The petitioner has filed this writ petition seeking for release of the goods for which Bill of Entry dated 23.08.2016 has been filed. The subject import was taken up for investigation by Directorate of Revenue Intelligence (DRI) and it appears that DRI has done thorough exercise and concluded that IEC code obtained in the name of the petitioner has been used and that he has signed blank letter heads, blank cheque books brought to him by Mr.C.Solomon Selvaraj and he had never been told the nature of import by Mr.C.Solomon Selvaraj using the IEC code of the petitioner. Therefore, the outcome of the investigation appears to be that the said Mr.C.Solomon Selvaraj is responsible for the entire dealings. The report of the DRI has been forwarded to the Deputy Commissioner of Customs (Legal-Sea) and the matter is now seized of by the second respondent.

3.Considering the fact that already investigation by DRI has culminated in a report which was placed for consideration before the second respondent, there will be a direction to the second respondent to consider the petitioner's representation dated 30.09.2016 taking note of the observation made in the report of DRI and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Commissioner of Customs - IV,
Group - 7H, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.

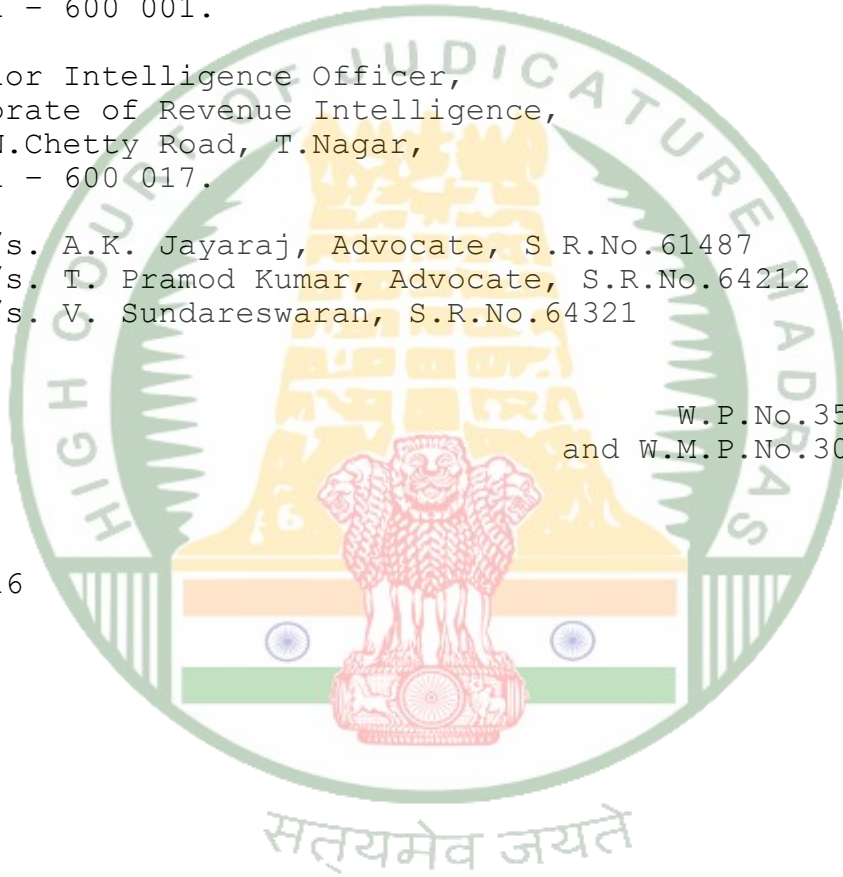
2.The Joint/Additional Commissioner
of Customs (Group 6),
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

3.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road, T.Nagar,
Chennai - 600 017.

+1cc to M/s. A.K. Jayaraj, Advocate, S.R.No.61487
+1cc to M/s. T. Pramod Kumar, Advocate, S.R.No.64212
+1cc to M/s. V. Sundareswaran, S.R.No.64321

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PPA(CO)
EU 16.11.16



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