

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.37349 of 2016 &

W.M.P.No.32001 of 2016

M/s. SNS Refractories
Rep by its Proprietrix Nupur Choudhary
S.F.No. 182/2B, Sellapillaikuttai Village
Omalur-636 012, Tamil Nadu ... Petitioner

vs.

- 1 The Commissioner of Customs
O/o. The Commissioner of Customs
Custom House, Chennai-600 001
- 2 The Deputy Commissioner of Customs
O/o. The Commissioner of Customs
Group-3, Custom House
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 2nd respondent to finally assess the Bill of Entry considering the goods covered under Bill of Entry No. 6976857 dated 04.10.2016 as "Capital Goods" in a time bound manner.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.T.R.Senthil Kumar
Senior Panel Counsel
O R D E R

Heard Mr.A.Mohamed Ismail, learned counsel for the petitioner and Mr.T.R.Senthil Kumar, learned Senior Panel Counsel accepting notice on behalf of the respondents. By consent, the Writ Petition itself is taken up for final disposal.

2.In this Writ Petition, the petitioner seeks for a direction upon the second respondent to pass final orders on Bill of Entry No.6976857 dated 04.10.2016, by treating the goods as Capital Goods'.

3.In the counter affidavit filed by the respondents it is stated that refractory products are no longer Capital Goods in terms of Foreign Trade Policy (2015-20).

4.Faced with this situation, the learned counsel for the petitioner would submit that the respondents may be directed to complete the adjudication at the earliest.

5.The learned Senior Panel Counsel appearing for the respondents on instructions submitted that within a weeks time, orders will be passed, provided the petitioner co-operates and appears for personal hearing.

6.In the light of the above facts, the petitioner is directed to appear before the second respondent on 04.11.2016 and after affording an opportunity of personal hearing, the second respondent shall adjudicate the matter, finally assess the Bill of Entry and communicate the order to the petitioner on or before 09.11.2016. In the light of the fact that the respondents have clearly indicated their stand in the counter affidavit, no show cause notice needs to be issued and the petitioner's submissions shall be heard on the contentions putforth in the counter affidavit.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

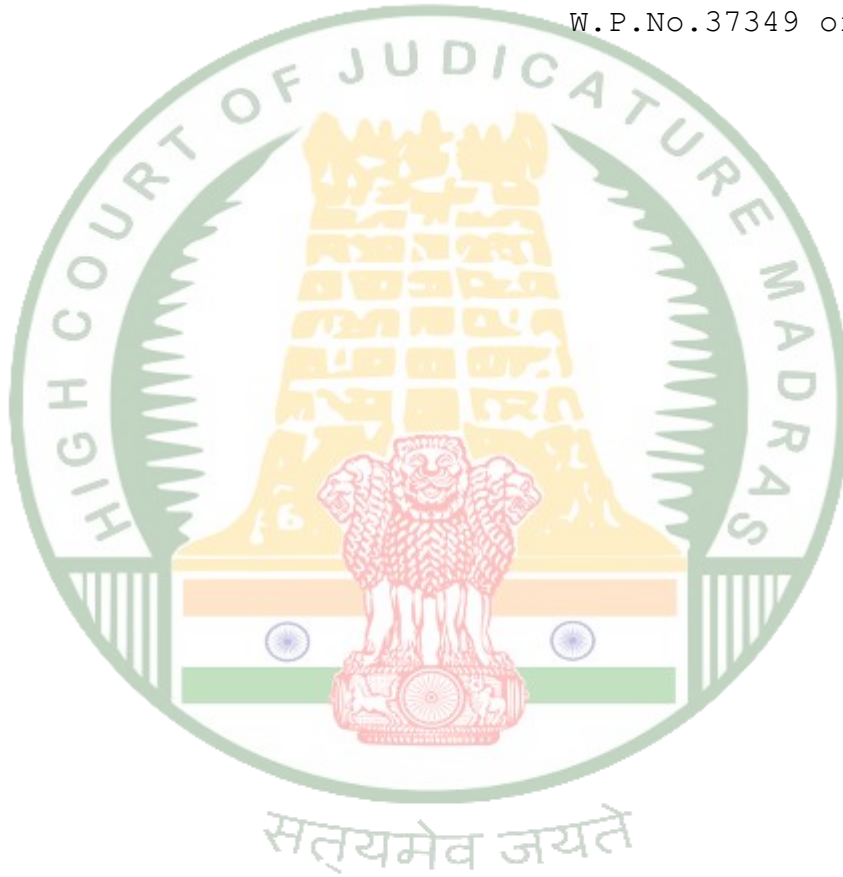
- 1 The Commissioner of Customs
O/o. The Commissioner of Customs
Custom House, Chennai-600 001

2 The Deputy Commissioner of Customs
O/o. The Commissioner of Customs
Group-3, Custom House
Chennai-600 001

+1cc to Mr.T.R. Senthil kumar, Advocate, S.R.No.62264
+1cc to Mr.A. Mohamed Ismail, Advocate, S.R.No.62215

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