

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.42073 of 2016

M/s.Premier Enterprises,
Represented by its Managing Partner,
K.Nithyananda Pai,
Having its Office at
No.123, Pillayarkoil Street, Kattoor,
Ram Nagar, Coimbatore-641 009. .. Petitioner

Versus

- 1.Government of India,
Rep. by Secretary to Government,
Finance Department, New Delhi.
- 2.The Commissioner of Customs,
Office of the Commissionerate
of Customs & Central Excise,
6/7, ATD Street, Race Course,
Coimbatore-641 018.
- 3.The Deputy Commissioner of Customs,
Office of the Commissionerate
of Customs & Central Excise,
6/7, ATD Street, Race Course,
Coimbatore-641 018.
- 4.The Assistant Commissioner of Customs,
Office of the Commissionerate
of Customs & Central Excise,
6/7, ATD Street, Race Course,
Coimbatore-641 018. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 2 to 4 to renew the customs broker license bearing No.CHA/CBE/10/2000, dated 29.12.2000 issued to the petitioner firm and valid upto 28.12.2015.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.S.R.Sundar
Senior Panel Counsel

O R D E R

Heard Mr.K.M.Ramesh, learned counsel appearing for the petitioner and Mr.S.R.Sundar, learned Senior Panel counsel, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. In this Writ Petition, the petitioner seeks for a direction upon the respondents 2 to 4 to renew the customs broker license issued to the petitioner, which was valid upto 28.12.2015.

3. It is seen that the petitioner's application for renewal was well within the period of limitation and it was submitted on 08.12.2015. On 14.12.2015, the petitioner submitted 10 documents and requested the third respondent to consider the same and renew the customs broker license. After receipt of those documents, the fourth respondent issued a notice, dated 22.01.2016 returning the petitioner's application for reasons stated therein. The petitioner re-presented the application along with their letter dated 25.02.2016, giving clarification for the queries pointed out. It is thereafter, once again, the fourth respondent issued another communication dated 01.04.2016 stating that there are deficiencies and discrepancies in the application for renewal and returned the application. The said application was re-presented by the petitioner along with the letter dated 11.04.2016. However, in the said letter, the petitioner has not specifically clarified the deficiencies and discrepancies pointed out in the communication dated 01.04.2016 of the third respondent, but has requested the third respondent to refer to his reply dated 25.02.2016. However, the said reply, dated 25.02.2016 has not been appended to this Writ Petition and therefore this Court is not in a position to readily examine as to what was the contents of the reply.

4. In any event, it is for the appropriate authority of the Customs Department to consider the petitioner's application and pass appropriate orders on merits and in accordance with law.

5. In the light of the above, there will be a direction to the petitioner to submit a clarification to the deficiencies and discrepancies pointed out in the Communication, dated 01.04.2016 issued by the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and also enclose a copy of this order. On receipt of the same, the fourth respondent shall consider and pass a speaking order on merits and in accordance with law, within a period of three weeks from the date of receipt of the reply.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
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Finance Department, New Delhi.
- 2.The Commissioner of Customs,
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Coimbatore-641 018.

+1 cc to Mr.K..Ramesh,advocate,sr.70346

+1 cc to Mr.SR.Sundar,advocate,sr.70362.

mv(co)
krd 7/12

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