

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.1097 to 1105 of 2017

and CMP Nos.15364 to 15371 of 2017

W.A.No.1097 of 2017

1. The Principal Commissioner of Customs-III (SIIB),
Customs House, Chennai -1.

2. The Commissioner of Customs,
Chennai-IV, Commissionerate,
Customs House, Chennai - 1.

3. The Deputy Commissioner of Customs (SIIB),
Customs House, Chennai - 1.

4. The Deputy Commissioner of Customs (Exports),
Chennai - IV, Commissionerate,
Customs House, Chennai-1

.. Appellants in all WA's

versus

M/s.Sri Vijayalakshmi Leather,
rep. by its Proprietor S.Ramanathan,
No.4, Wuthucatan Street,
Periamet, Chennai - 600 003. .. Respondent in WA.1097/2017

M/S SRI KARPAGA LEATHERS

REP BY ITS PROPRIETOR R.M MUTHUPALANIAPPAN

NO 12/30 KARPURA STREET PERIAMET

CHENNAI 600 003

.. Respondent in WA.1098/2017

M / s. Vijayalakshmi

Leathers industries P. ltd Represented by

its Director M.Palaniappan B.O.NO.19

Kumarappa Chetty Street Periamet

Chennai - 3.

.. Respondent in WA.1099/2017

M/s. Blossom Leathers

Rep by its Partner A.J.Abdul Wahab NO.24A

E.K. Gulu Street Periamet Chennai-3

.. Respondent in WA.1100/2017

M/S. MEENAL LEATHER
REP BY ITS PARTNER PR SUNDAR NO.1
MUTHUGRAMANI ST PERIAMET CHENNAI 600 003.

.. Respondent in WA.1101/2017

M/s. THAYA TANNING COMPANY
Represented by its Partner G.GNANA SEKARAN
12/1 VEERA SAMI ST PERIAMET Chennai - 3.

.. Respondent in WA.1102/2017

M/S. MJS IQBAL & CO
REP BY ITS PARTNER THANVEER AHMED 42/123 MBT
ROAD RANIPET CHENNAI 632 401.

.. Respondent in WA.1103/2017

M/s. Sri Swathy Exports
Represented by its Partner M.Paranthaman
No. 4a Karpura street Periamet Chennai-3

.. Respondent in WA.1104/2017

M / s. SMT EXPORTS
REP BY ITS MANAGER K.TABREZ AHMED NO.5
NAVAL HOSPITAL ROAD GROUND FLOOR
PERIAMET, CH-3

.. Respondent in WA.1105/2017

Common Prayer: Writ Appeals filed against the common order dated 25.01.2017 passed in WMP Nos.1580 to 1588 of 2017 in W.P.Nos.1620 to 1628 of 2017 and restore the condition imposed for provisional release of the goods pending enquiry.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a Writ by calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1454214 dated 04.10.2016, forthwith for export. (in WP.No.1620/17)

(2) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1466095 dated 05.10.2016, forthwith for export in WP No.1621 of 2017.

(3) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1454353 dated 04.10.2016, forthwith for export. In WP No.1622 of 2017.

(4) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1440888 dated 04.10.2016, forthwith for export. In WP No.1623 of 2017.

(5) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1454207 dated 04.10.2016, forthwith for export. In WP No.1624 of 2017.

(6) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1466982 dated 05.10.2016, forthwith for export. In WP No.1625 of 2017.

(7) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1391671 dated 01.10.2016, forthwith for export. In WP No.1626 of 2017.

(8) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1454375 dated 04.10.2016, forthwith for export. In WP No.1627 of 2017.

(9) Calling for the records of 4th respondent and quashing the Impugned Order, viz., communication dated 10.01.2017, issued from File No./S.Misc. 185 / 2016 - EDC and quash the same and to direct the respondents to release the goods covered by shipping bill No. 1483207 dated 06.10.2016, forthwith for export. In WP No.1628 of 2017.

(10) To direct the Respondents to Provisionally release the said export consignment, within prescribed time limit,

strictly in accordance with the order dated 22.12.2016, passed by this Honourable Court without any further conditions in WMP No.1580 of 2017 in WP.No.1620/17.

(11) To direct the Respondents to Provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016, passed by this Honourable Court without any further conditions in WMP No.1581 of 2017 in WP.NO.1621/17.

(12) To direct the Respondents to provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016 passed by this Honourable Court without any further conditions IN WMP No.1582 of 2017 IN WP.NO.1622/17.

(13) To direct the Respondents to provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016 passed by this Honourable Court without any further conditions IN WMP No.1583 of 2017 IN WP.NO.1623/17.

(14) To direct the Respondents to provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016 passed by this Honourable Court without any further conditions IN WMP No.1584 of 2017 IN WP.NO.1624/17.

(15) To direct the Respondents to provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016 passed by this Honourable Court without any further conditions IN WMP No.1585 of 2017 IN WP.NO.1625/17.

(16) To direct the Respondents to provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016 passed by this Honourable Court without any further conditions IN WMP No.1586 of 2017 IN WP.NO.1626/17.

(17) To direct the Respondents to Provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016, passed by this Honourable Court without any further conditions IN WMP No.1587 of 2017 IN WP.NO.1627/17

(18) To direct the Respondents to Provisionally release the said export consignment, within prescribed time limit, strictly in accordance with the order dated 22.12.2016, passed by this Honourable Court without any further conditions IN WMP No.1588 of 2017 pending disposal of the above Writ Petition 1628/17 respectively.

For Appellants : Mr.T.Pramodkumar Chopda
in all W.As.
For Respondent : Mrs.V.Pramila
in all W.As.

COMMON JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

Challenge in these writ appeals, is to a common order made in WMP Nos.1580 to 1588 of 2017 in W.P.Nos.1620 to 1628 of 2017 dated 25.01.2017, on the grounds inter alia that the writ Court has failed to consider that when conditions 6.2 and 6.3 of the provisional order dated 23.11.2016 remained unaltered, department is entitled to seek for Bank Guarantee for the value of fine and penalty.

2. Though, writ appeals were filed against the abovesaid interim orders, material on record discloses that when W.P.Nos.1620 to 1628 of 2017, came up for further hearing, on the representation of both the learned counsel for the parties that goods were released in terms of the orders dated 22.12.2016 & 25.01.2017, respectively, and further representation of the learned counsel, that the writ petitions can be closed, writ Court, by a common order dated 30.01.2017 in W.P.Nos.1620 to 1628 of 2017, have closed all the writ petitions with the connected applications.

3. It is well settled that interim orders, merge with the final orders. In the case on hand, writ petition Nos.1620 to 1628 of 2017, have been closed on 30.01.2017 and that therefore, instant challenge to the interim orders granted on 25.01.2017 in WMP Nos.1580 to 1588 of 2017 in W.P.Nos.1620 to 1628 of 2017, does not survive. Consequently, all the writ appeals are dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

ars

TO:

1. The Principal Commissioner of Customs-III (SIIB),
Customs House, Chennai -1.

2. The Commissioner of Customs,
Chennai-IV, Commissionerate,
Customs House, Chennai - 1.

3. The Deputy Commissioner of Customs (SIIB),
Customs House, Chennai - 1.

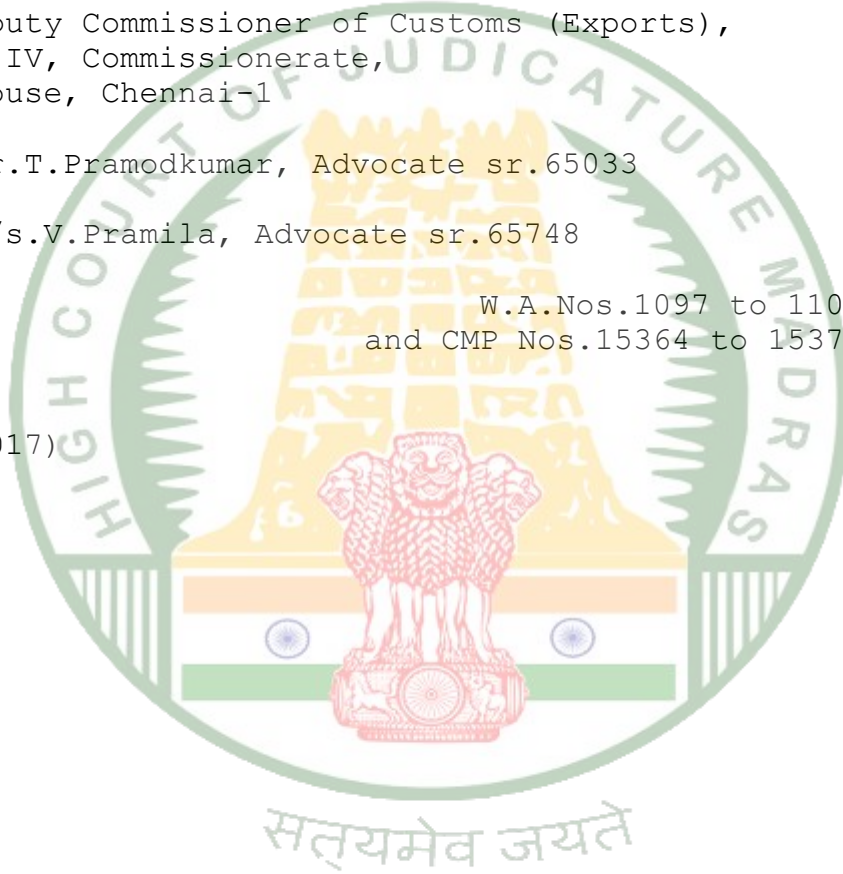
4. The Deputy Commissioner of Customs (Exports),
Chennai - IV, Commissionerate,
Customs House, Chennai-1

+1cc to Mr.T.Pramodkumar, Advocate sr.65033

+1cc to M/s.V.Pramila, Advocate sr.65748

W.A.Nos.1097 to 1105 of 2017
and CMP Nos.15364 to 15371 of 2017

rr(co)
ss(25/9/2017)



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