

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2017

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THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.731 of 2017
and WMP Nos.769 to 770 of 2017

M/s.VPR Mining Infrastructure Limited,
represented by its Manager,
Dr.No.8-2-293/82/A/1259,
3rd Floor, Road No.36,
Jubilee Hills,
Hyderabad-500 033. Petitioner

vs.

The Commercial Tax Officer,
Roving Squad-IV, Enforcement (North),
Greens Road,
Chennai-600 006. Respondent

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a writ of
Certiorari, or any other writ, or order or proceeding in the
nature of Writ, call for the records of the impugned proceedings
in G.D.Notice No.1744/16-17, dated 02.01.2017, by the respondent
herein, quash the same.

For Petitioner : Ms.Aparna Nandakumar

For Respondent : Mr.K.Venkatesh,
Government Advocate

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ORDER

1. Issue notice. Mr.K.Venkatesh, learned Government
Advocate, accepts notice on behalf of the respondent.

1.1. With the consent of the learned counsels for the
parties, the writ petition is taken up for hearing and final
disposal.

2. This writ petition is directed against the detention notice dated 02.01.2017.

2.1. It is the case of the petitioner that the subject goods, which were meant for export to Indonesia, could not be loaded on, to the concerned ship, as that ship did not take berth at the Chennai Port, on the designated date.

2.2. It is stated that since, the export of the goods to Indonesia had got delayed, a decision was taken temporarily to locate the subject goods at a facility provided by Larson and Toubro (in short L & T), which was located at Kancheepuram.

3. Learned counsel for the petitioner has sought to support the stand taken on behalf of the petitioner by, inter alia, relying upon the following documents :

- (1) Copy of the Packing List of the petitioner, dated 31.12.2016.
- (2) Copy of Invoice of the petitioner, dated 31.12.2016.
- (3) Copy of the letter of shipping company, i.e., Genshipping Pacific Line (India) Private Limited, dated 02.01.2017.
- (4) A typed copy of the e-mail dated 02.01.2017, sent by the petitioner's representative to L & T.
- (5) Lastly, the reply, dated 02.01.2017, sent via e-mail, by the representative of L & T to the petitioner's representative.

4. Having regard to the aforesaid facts and circumstances, I have put to Mr.K.Venkatesh as to whether, the respondent would treat the present writ petition as a representation, and pass appropriate orders, with regard to the request made for release of the subject goods.

5. Mr.K.Venkatesh, who appears for the respondent, says that if, a direction is issued, in that behalf, by this Court, the needful will be done.

6. Accordingly, the respondent is directed to treat the present writ petition as a representation, and consider the same in accordance with law. The respondent will, thereafter, pass a speaking order with regard to the request made for release of the subject goods.

6.1. For this purpose, the petitioner's representative will appear before the respondent on 12.01.2017 at 11.00 a.m.

6.2. The respondent will hear the petitioner's representative, and consequent thereto, pass an order, one way or the other on the same date.

7. The writ petition and pending applications are, accordingly, disposed of in terms of the directions issued above. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Commercial Tax Officer,
Roving Squad-IV, Enforcement (North),
Greens Road,
Chennai-600 006.

+1cc to the Special Government Pleader Sr.2494

+1cc to M/S.Aparna Nandakumar & Palani, Advocate Sr.2283

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ug[co]
srg 10/01/2017

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