

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.7635 of 2017

M/s. Vee Vee Clearing and Forwarding Pvt Ltd,
New No.4, Door No.18, 3rd floor, 2nd Avenue
Anna Nagar(West) Chennai- 600 040

By its Director

M.Ratha Krishnan

... Petitioner

Vs.

1. The Commissioner of Customs
Chennai VIII Commissionerate, Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

2. The Assistant Commissioner of Customs (CBLR)
Customs House, No.60, Rajaji Salai,
Chennai - 600 001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents herein to implement Final Order No. 42355 of 2016 in C/40923/2015 dated 20.07.2016 passed by the Customs, Excise and Service Tax Appellate Tribunal, Chennai, which has set aside the order passed by the 1st respondent and consequently direct the restoration of CHA license to the petitioner with immediate effect.

For Petitioner : Mr. N. Viswanathan.

For Respondents : Mr.V.Sundareswaran, Senior Counsel

O R D E R

The petitioner seeks for a mandamus directing the respondents to implement final order No. 42355 of 2016 in C/40923/2015 dated 20.07.2016 passed by the Customs, Excise and Service Tax Appellate Tribunal, Chennai, wherein and whereby the order passed by the first respondent cancelling the CHA license of the petitioner was set aside.

2. Today, when the matter was taken up for final disposal, the learned counsel appearing for the petitioner submitted that

after filing the writ petition, though an order dated 30.05.2017 was passed renewing the license of the petitioner, they were not however permitted to operate as a custom house agent.

3. Mr.V.Sundareswaran, Senior Counsel appearing for the respondents, based on instructions, submitted that while renewing licence, the petitioner was directed to bring the original license for making necessary endorsement and therefore, the petitioner has to appear before the respondents for issuing further orders. He further submitted that the department has filed further appeal before this court challenging the order passed by the Customs, Excise and Service Tax Appellate Tribunal, Chennai and therefore, the renewal of license and the consequential order, to be passed later are subject to the result of the appeal pending before this court.

4. Since the license of the petitioner is renewed through proceedings dated 30.05.2017 and they were also directed to appear before the first respondent for passing further orders, it is for the petitioner to appear so as to enable the respondents to issue further orders.

5. Accordingly this writ petition is disposed of by directing the petitioner to appear before the respondents on or before 15.06.2017 and on such appearance the respondents shall issue further orders. However, it is made clear that any order passed is subject to the result of the appeal pending before the Division Bench of this Court.

6. Accordingly this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

dpq/aav

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To

1. The Commissioner of Customs
Chennai VIII Commissionerate, Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

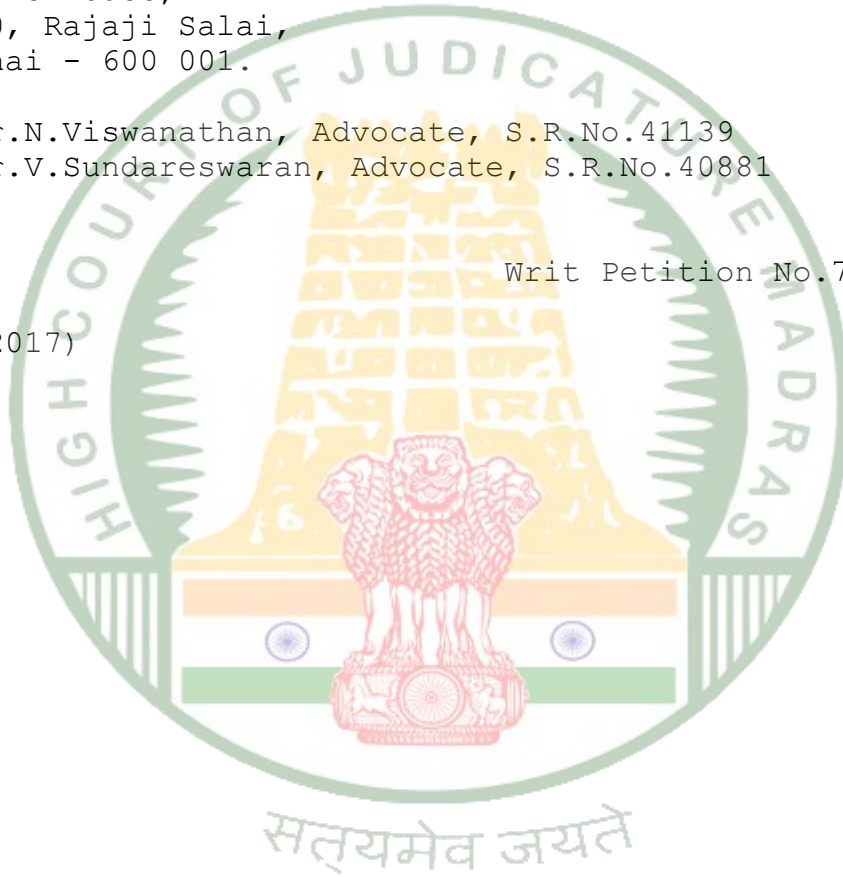
2. The Assistant Commissioner of Customs (CBLR)
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.N.Viswanathan, Advocate, S.R.No.41139

+1cc to Mr.V.Sundareswaran, Advocate, S.R.No.40881

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KJ(CO)
RS(13/06/2017)



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