

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21562 of 2017
and
W.M.P.No.22538 of 2017

M/s.HST Impex,
rep.by its Proprietor Mr.Vikram Singh,
No.277/1, Opp.Gordhannathji Temple,
Sarangpur Chakla,
Ahmedabad-380 001. ... Petitioner

Vs

1. The Commissioner of Customs-IV,
Group-7H,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.
2. The Joint/Additional Commissioner of Customs,
Group-7H,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.
3. The Senior Intelligent Officer,
Directorate of Revenue Intelligence,
Ministry of Finance, Government of India,
27, Adarsh Towers, G.N.Chetty Road,
T.Nagar, Chennai-600 017. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to release the goods totally 441 cartons, viz. 8 cartons of packing material, 53 cartons of Mobile Phone Screen Guard, 243 cartons of Mobile Phone Case, 63 cartons of Hands Free for mobile, 52 cartons of Card Reader, 9 cartons of Mobile Phone Holder, 5 cartons of Mobile Phone Bluetooth and 8 cartons of Mobile Phone Cable, imported vide Bill of Entry No.9742974 dated 18.05.2017, after collecting appropriate duty for the total quantity of the goods except 104 cartons of Mobile Phone Batteries and 12 cartons of Mobile Phone Chargers.

For Petitioner : Mr.A.K.Jayaraj

For Respondents : Mrs.Hema Muralikrishnan,
Standing Counsel for R1 and R2

Mr.Sundaresan for R3

ORDER

Heard Mr.A.K.Jayaraj, learned counsel for the petitioner and Mrs.Hema Muralikrishnan, learned Standing Counsel appearing for the first and second respondents and Mr.Sundaresan, learned counsel for the third respondent.

2.The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus directing the respondents herein to release the goods totally 441 cartons, viz. 8 cartons of packing material, 53 cartons of Mobile Phone Screen Guard, 243 cartons of Mobile Phone Case, 63 cartons of Hands Free for mobile, 52 cartons of Card Reader, 9 cartons of Mobile Phone Holder, 5 cartons of Mobile Phone Bluetooth and 8 cartons of Mobile Phone Cable, imported vide Bill of Entry No.9742974 dated 18.05.2017, after collecting appropriate duty for the total quantity of the goods except 104 cartons of Mobile Phone Batteries and 12 cartons of Mobile Phone Chargers.

3.The bill of entry filed by the petitioner was taken up for investigation by the Directorate of Revenue Intelligence and statements have been recorded and the Directorate of Revenue Intelligence filed a counter stating that the claim of the petitioner that the power banks and mobile phone chargers were wrongly sent to him is a concocted story and it is an afterthought with a view to escape from the clutches of law for having attempted to smuggle such prohibited goods undeclared. Further it is submitted that the said goods appeared to have been imported in contravention of the Customs Act read with Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007, the Electronic and Information Technology Goods (Requirement of Compulsory Registration) Order, 2012, ie., BIS Regulations and the imported goods appeared to have been undervalued.

4.It is further submitted by the learned counsel for the Directorate of Revenue Intelligence that the investigation has been completed and a report has been forwarded to the first and second respondents.

5.In the light of the above, the writ petition is disposed of with a direction to the respondents 1 and 2 to take note of the report of the Directorate of Revenue Intelligence, consider

the petitioner's application dated 13.07.2017 for provisional release of the goods and pass appropriate orders in this regard within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Commissioner of Customs-IV,
Group-7H,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.
2. The Joint/Additional Commissioner of Customs,
Group-7H,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.
3. The Senior Intelligent Officer,
Directorate of Revenue Intelligence,
Ministry of Finance, Government of India,
27, Adarsh Towers, G.N.Chetty Road,
T.Nagar, Chennai-600 017.

+1cc to Mrs.Hema Muralikrishnan, Advocate, S.R.No.61355

सत्यमेव जयते

W.P.No.21562 of 2017
and
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CS IV
CA(12/09/2017)

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