

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22946 of 2017

M/s. Far East Trading Establishment,
Rep. by its Managing Partner,
Mrs. Eleeey Babu
KMC-XX/369-I, Sathrathail Buildings,
Onnamkutty, Kayamkula,
Allaeppey, Kerala-690 502. ...Petitioner
Vs.

- 1.The Deputy Commissioner of
Customs (Group 6)
Custom House, No.60. Rajaji Salai,
Chennai-600 001.
- 2.The Assistant Commissioner of Customs,
Docks Intelligence Unit,
Chennai III Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai-600 001. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit clearance of the goods imported, vide the bill of entry No.2593562 dated 25.07.2017.

For Petitioner : Mr.G.Derrick Sam

For Respondents: Mr.N.Senthil Kumar,
Senior Panel Counsel

ORDER

Heard Mr.G.Derrick Sam, learned counsel appearing for the petitioner and Mr.N.Senthil Kumar, learned Senior Panel Counsel appearing for the respondents. With the consent on either side the writ petition is taken up for final disposal.

2.The petitioner is before this Court seeking for a direction upon the respondents to permit the clearance of the goods imported, vide bill of entry No.2593562 dated 25.07.2017.

The petitioner had filed the said bill of entry for import of office furniture from China. The petitioner has remitted the customs duty of Rs.10,15,042/-. However, the respondents have not released the goods and therefore, the petitioner has approached this Court by way of this writ petition.

3.Mr.N.Senthil Kumar, learned Senior Panel Counsel appearing for the respondents has produced written instructions before this Court as given by the second respondent, from which it is seen that the importer was informed that the consignment will be examined by the Docks Intelligence Unit (in short "DIU") in the presence of the importer. While it is accepted that Shri.Babu George did appear before the second respondent on 17.08.2017, it is stated that the said Shri.Babu George is not the partner of the company, but the partners are Mrs.Elsy Babu and Mrs.Mary George and Shri.Babu George's name is not mentioned in the list of partners in the IEC documents. It is, therefore, stated that Mr.Babu George agreed to appear before the second respondent with proper letter of authorization from the partners of the company after Onam celebrations, but he has failed to turn up before the second respondent.

4.Considering the above facts and circumstances and the stand taken by the respondents, that there is a doubt with regard to violation of the goods and probably mis-declaration and evasion, the second respondent should finalize the matter at an earliest point of time. Needless to say that the importer should be properly represented by the authorized agent. Accordingly, there will be a direction to the authorized representative of the importer to appear before the second respondent on 03.10.2017 and the second respondent shall examine the goods in the presence of the authorized representative of the petitioner and proceed to pass final orders on merits and in accordance with law within a period of 7 days from 03.10.2017.

With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr

To

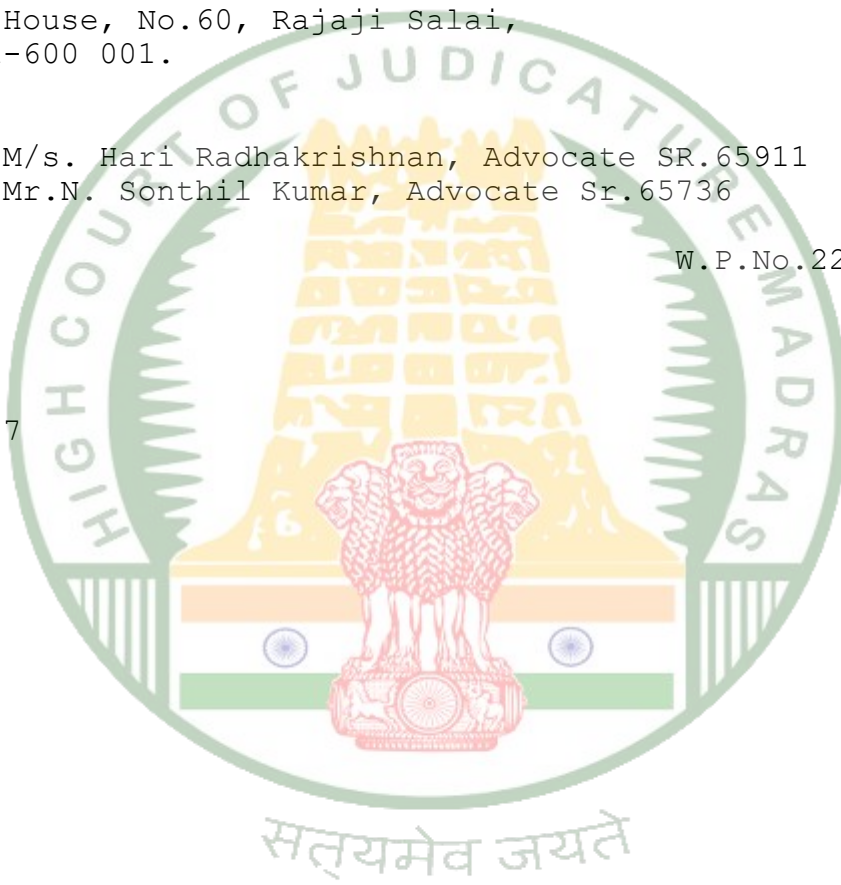
1.The Deputy Commissioner of Customs (Group 6)
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Chennai-600 001.

2.The Assistant Commissioner of Customs,
Docks Intelligence Unit,
Chennai III Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.

+ 1 cc to M/s. Hari Radhakrishnan, Advocate SR.65911
+ 1 cc to Mr.N. Sonthil Kumar, Advocate Sr.65736

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CS-IV
EU 13.09.17



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