

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23392 of 2017

M/s. Kanpur Trading Co.,
Rep. by its Proprietor, Mohammed Qamar,
327/1, Shastri Nagar, Kanpur-208005. ... Petitioner

Vs.

- 1.The Assistant Commissioner of
Customs (Gr.7H), No.60, Rajaji Salai,
Custom House, Chennai-600 001.
- 2.The Joint/Addl. Commissioner of
Customs (Gr.7H), No.60, Rajaji Salai,
Custom House, Chennai-600 001. ... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to provisionally release the goods, covered by Bill of Entry No.9988693 dated 06.06.2017 in terms of the powers vested with them under Section 110A of the Customs Act, pending adjudication and also by considering the representation of the petitioner dated 21.08.2017.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.J.Pramod Kumar Chopda
Senior Panel Counsel

O R D E R

Heard Mr.S.Baskaran, learned counsel appearing for the petitioner and Mr.T.Pramod Kumar Chopda, 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 seeks for a direction upon the respondents to provisionally release the goods, covered by Bill of Entry No.9988693 dated 06.06.2017, in terms of Section 110A of the Customs Act. The petitioner had filed the bill of entry dated 06.06.2017, declaring the goods in terms of the packing list. The respondents have detained the goods on the ground that it

contains prohibited items as well as certain items, which violated the trade mark obtained by registered users. The petitioner submitted a representation on 20.07.2017, stating that whatever items, which according to the Department, are prohibited goods and wherever there is an objection with regard to IPR issue, the same may be detained and the remaining goods may be released provisionally under Section 110A of the Act. In this regard, reminders were also submitted by the petitioner on 11.08.2017 and 21.08.2017.

3.Learned counsel appearing for the petitioner would submit that as of now, the goods have been sorted out and the respondents have detained the goods wherever they are prohibited or IPR issues are involved and the remaining has been kept separately for consideration of provisional release and because of the pendency of the writ petition, no order has been passed.

4.Learned counsel appearing for the respondents has no specific written instructions in this regard. Be that as it may, since the bill of entry was filed as early as on 06.06.2017 and as of now, the examination has been done by the authorities, there will be a direction to the respondents to consider the petitioner's representation for provisional release of goods, which are not prohibited and where there are no other issues including IPR issues. The respondents are free to impose such conditions as may be required while granting provisional release of the goods, which are not either prohibited/restricted or where there are no issues for granting provisional release. The above direction shall be complied with within a period of 15 days from the date of receipt of a copy of this order.

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

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

abr

To

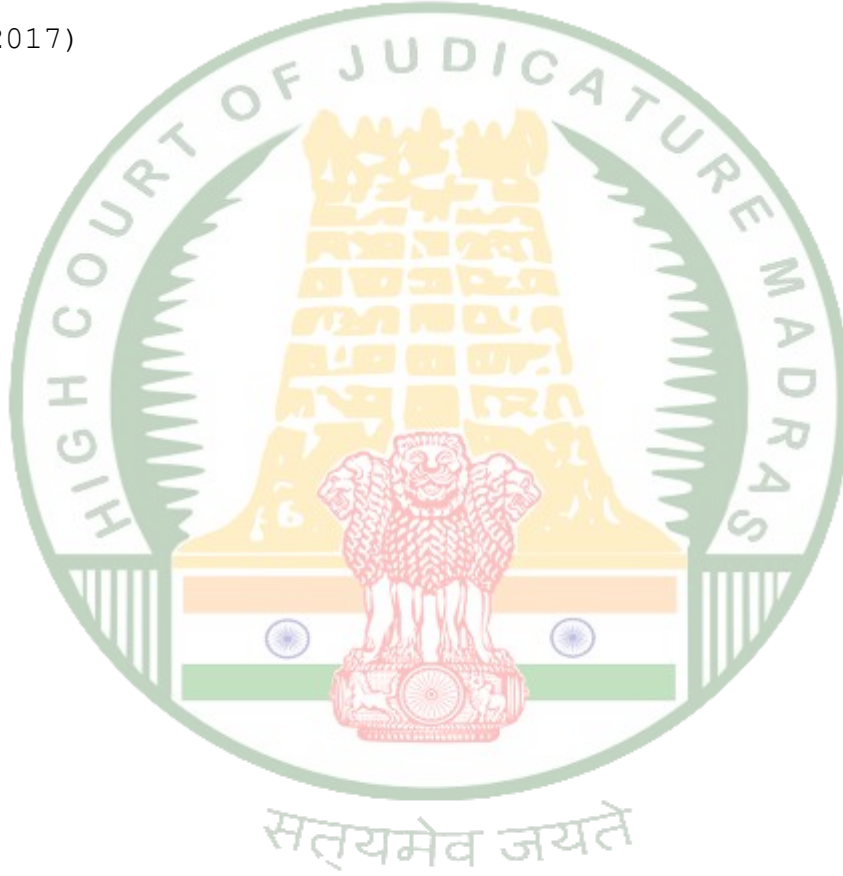
1.The Assistant Commissioner of Customs (Gr.7H),
No.60, Rajaji Salai, Custom House, Chennai-600 001.

2. The Joint/Addl. Commissioner of Customs (Gr.7H),
No.60, Rajaji Salai, Custom House, Chennai-600 001.

+1 Cc tp Mr.T. Pramod kumar Chopda, Advocate sr 65940
+1 Cc to Mr.S. Baskaran, Advocate sr 66284.

W.P.No.23392 of 2017

SP(15/09/2017)



WEB COPY