

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.15652 of 2017

M/s.BMW India Pvt. Ltd.,
Plant, Chennai.

Rep. by its Senior General Manager
Shri.K.Venkataraman

... Petitioner

Vs.

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

2.Deputy Commissioner of Customs
Chennai Commissionerate
Group 5
Customs House, No.60, Rajaji Salai,
Chennai-600 001.

.... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents herein to act on the representation dated 12.06.2015 and cause re-assessment of the Bills of Entry filed by the petitioner entity during the period September 2014 to March 2015 at Chennai Seaport for import of 117 numbers of Mini Cooper D (5 Door hatch) and Mini Cooper D (3 Door Hatch).

For Petitioner : Mr.B.Satish Sundar
For Respondents : Mrs.R.Hemalatha
Standing Counsel

ORDER

Mrs.R.Hemalatha, learned Standing Counsel takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for a mandamus directing the respondents to act on the representation dated 12.06.2015 and

cause re-assessment of the Bills of Entry filed by the petitioner during the period September 2014 to March 2015 at Chennai Seaport for import of 117 numbers of Mini Cooper D (5 Door hatch) and Mini Cooper D (3 Door Hatch).

3. It is submitted by the learned counsel for the petitioner that only the provisional assessment has been made so far in respect of the subject matter Bills of Entry and even before the final assessment is made, the petitioner sent a representation dated 12.06.2015, seeking for re-assessment of the Bills of Entry, by contending that they are entitled to certain benefits under certain notifications.

4. Needless to say that it is for the respondents, more particularly, the second respondent to consider the petitioner's claim for re-assessment and pass orders on merits and in accordance with law. This Court, at this stage, is not expressing any view on the claim made by the petitioner for re-assessment. However, as the representation sent by the petitioner dated 12.06.2015, enclosing those Bills of Entry as Annexure B, is stated to be still pending, this writ petition is disposed of, only with a direction to the second respondent to consider the said representation dated 12.06.2015 and pass orders on the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mk

To

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

2.The Deputy Commissioner of Customs
Chennai Commissionerate
Group 5
Customs House, No.60, Rajaji Salai,
Chennai-600 001.

+1cc to Mr.B.Sathish Sundar, Advocate Sr. 43941
+1cc to Mr.R.Hemalatha, Advocate Sr. 44304

W.P.No.15652 of 2017

AD(CO)
VR(28/06/2017)



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