

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.438 of 2015 and
M.P.Nos.1 & 2 of 2015

M/s.Ankit Fasteners Pvt Ltd.,
Rep. by its Director Mr.Ankit U Patel
297, Haragadde Village, Road No.4
Jigni Industrial Estate Phase-I
Bangalore - 560 105. ... Petitioner

Vs.

The Assistant Commissioner of Customs (DEEC)
Officer of the Commissioner of Customs
Custom House, No.60, Rajaji Salai
Chennai - 600 001. ... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 26.12.2014 in F.No.S45/075/ 2011 GR.7-DEEC issued by the respondent and quash the same and further direct the respondent to forbear from initiating any recovery action pending disposal of the application dated 27.10.2014 filed by the petitioner for re-fixation of the input out norms.

For Petitioner : Mr.Hari Radhakrishnan
For Respondent : Mr.S.R.Sundar
Senior Panel Counsel

सत्यमेव जयते
O R D E R

Heard Mr.Hari Radhakrishnan, learned counsel for the petitioner and Mr.S.R.Sundar, learned Senior Standing counsel appearing for the respondent.

2.The petitioner has filed this writ petition challenging an order passed by the respondent stating that if the petitioner does not produce the export obligation discharge certificate from the concerned Joint Director General of Foreign Trade on or before 05.01.2015, the bank guarantee executed by the petitioner will be enforced without any further intimation to the petitioner and in case, the bond is already discharged, the petitioner was requested to forward a copy of EODC/ Redemption

letter issued by JDGFT. The JDGFT has issued a Redemption letter dated 07.06.2017 certifying that the petitioner has discharged the export obligation. As a consequence of which, the respondent has issued an Office Note dated 06.07.2017 stating that they are processing the cancellation of the bond based on the Redemption letter given by the JDGFT, Bangalore.

3.The learned counsel for the petitioner would submit that the petitioner has furnished a bank guarantee for a sum of Rs.10,68,112/-, since the petitioner has fulfilled the export obligation, there will be a direction to the respondent to issue appropriate letter for cancellation of the bank guarantee to the Axis Bank Limited, who had furnished the guarantee with copy marked to the petitioner.

4.The learned Senior Standing counsel appearing for the respondent, on instruction, submits that the bond has been cancelled today (i.e. 13.11.2017).

5.In the light of the above, there will be a direction to the respondent to issue appropriate letter as referred above, cancelling the bank guarantee, within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Sgl

To

The Assessment Commissioner of Customs (DEEC)
Officer of the Commissioner of Customs
Custom House, No.60, Rajaji Salai
Chennai 600 001.

+1cc to Mr.Hari Radhakrishnan, Advocate SR.No.81509
+1cc to Mr.S.R.Sundar, Advocate SR.No.80234

W.P.No.438 of 2015

KJ(CO)
GN(04/12/2017)