

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

WRIT PETITION No.12245 of 2017

ORDER: (*Per VRS,J*)

The petitioner, who was an importer of crude palm oil, has come up with the above writ petition, seeking a direction to the respondents to release the bank guarantee furnished by them for a period of two years on 22.02.2015.

2. Heard Mr. Gandra Mohan Rao, learned counsel for the petitioner, and Mr. B. Narasimha Sarma, learned senior standing counsel for the Customs Department, appearing for the respondents.

3. The Department has filed a counter affidavit. It is very clear from the counter affidavit that the bank guarantee was taken from time to time, when the petitioner was involved in imports. The last of the bank guarantees was dated 22.02.2015. The petitioner has stopped importing crude palm oil after January, 2015. Paragraph-6 of the counter affidavit of the respondents confirms that the last consignment imported by the petitioner was in January, 2015. Paragraph-6 also confirms that the Department asked for extension of the bank guarantee anticipating future imports.

4. The moment it is clear that no future imports were made, there is no question of asking for renewal of the bank guarantee. The last of

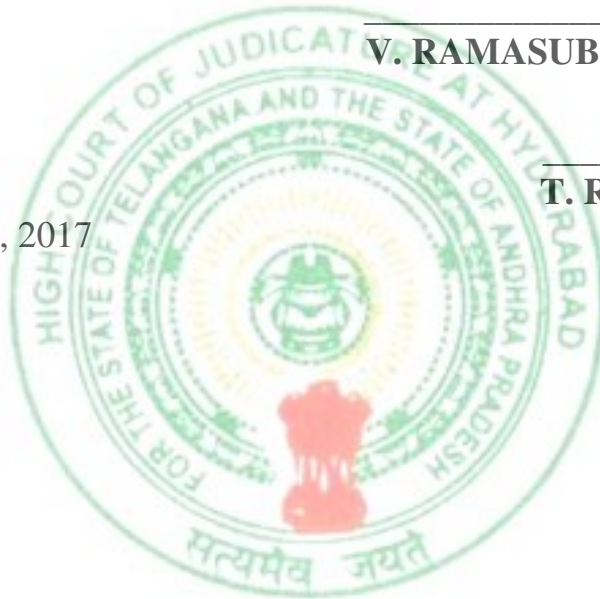
the bank guarantees executed on 22.02.2015 has also now expired. Even the extended period is now gone. Therefore, the Writ Petition is ordered, directing the respondents to return the documents relating to the bank guarantee, to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order.

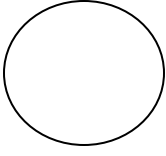
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

7th September, 2017
cbs





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Writ Petition No.12245 of 2017
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+W.P.No.12245 of 2017

% 07-09-2017

M/s. Sarada Agro Oils Ltd., Gagan Pahad,
Hyderabad.

.. Petitioner

Vs.

\$ The Commissioner of Customs, Visakhapatnam,
and two others.

.. Respondents

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>HEAD NOTE:

! Counsel for petitioner : Mr. Gandra Mohan Rao

^ Counsel for respondents : Mr. B. Narasimha Sarma, learned
senior standing counsel for
the Customs Department

? CASES REFERRED : ---