

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.09.2018

CORAM :
THE HONOURABLE Mr.JUSTICE S.M. SUBRAMANIAM

W.P.No.1529 of 2016 and
W.M.P.No. 1300 of 2016

Kumari Overseas Pvt. Ltd.,
No.7/4 & 7/5, 3rd Cross, Padarayana Pura,
Bangalore - 560 026,
Represented by its Director D.K.Jaganath

... Petitioner

Vs

1. The Commissioner of Customs,
Chennai IV Commissionerate,
Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.
2. The Joint/Additional Commissioner of Customs,
Chennai-IV Commissionerate,
Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.
3. The Additional Director General,
Directorate of Revenue Intelligence,
No.503, Rajarajeshwari Krupa, 3rd 'A',
Main Road, OMBR Layout, Banaswadi,
Bangalore - 560 043.
4. The Joint Director,
Directorate of Revenue Intelligence,
No.503, Rajarajeshwari Krupa, 3rd 'A',
Main Road, OMBR Layout, Banaswadi,
Bangalore - 560 043.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to provisionally release the imported goods viz. 127 Packets of Manufactured/Processed goods made out of Imported Duty Free Silk Raw Materials amounting to 3534.25 mtrs. valued at Rs.23,18,225/- and 33 bags of Manufactured/Processed bit pieces of Silk Fabrics made out of Imported Duty Free Silk Raw Materials amounting to 1163.21 kgs valued at Rs.11,63,210/- totally valued at Rs.34,81,435/- (Rupees Thirty four lakhs

eighty one thousand four hundred and thirty five only), detained vide Detention Memo dated 13.05.2014 and permit clearance of the same in terms Section 110A of the Customs Act, 1962.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.A.P.Srinivas
Senior Standing Counsel

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to provisionally release the imported goods viz. 127 Packets of Manufactured/Processed goods made out of Imported Duty Free Silk Raw Materials amounting to 3534.25 mtrs. valued at Rs.23,18,225/- and 33 bags of Manufactured/Processed bit pieces of Silk Fabrics made out of Imported Duty Free Silk Raw Materials amounting to 1163.21 kgs valued at Rs.11,63,210/- totally valued at Rs.34,81,435/- (Rupees Thirty four lakhs eighty one thousand four hundred and thirty five only), detained vide Detention Memo dated 13.05.2014 and permit clearance of the same in terms of Section 110-A of the Customs Act, 1962.

2. The learned counsel for the writ petitioner states that the goods imported by the petitioner are lying in the godown, for the past about three years. There is a possibility of huge damage in the event of keeping the goods for any longer. It is admitted by the parties that the original proceedings initiated by the competent authorities are now pending for adjudication.

3. Under these circumstances, the learned counsel for the petitioner states that the provisional release of the imported goods is imminent, in view of the fact that the goods are lying for about three years in the godown, which would cause monetary loss to the petitioner.

4. Under these circumstances and on considering the factual scenario, this Court is of an opinion that early disposal of the original proceedings are imminent.

5. The learned counsel for the respondents states that the adjudication is in progress and the authorities will initiate all steps to complete the proceedings at the earliest.

6. In view of the submissions made, the 2nd respondent is directed to proceed with the adjudication of the Proceedings in D.R.I.F.No.S/XIII/10/2014-PF KUMARI dated 08.05.2015, and complete the same and pass final orders on merits and in accordance with law and also by providing reasonable opportunities to the parties concerned, within a period of four

months from the date of receipt of a copy of this order.

With these observations, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Customs,
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Custom House,
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Chennai - 600 001.
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Bangalore - 560 043.

+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.63042
+2cc to Mr.B.Sathish Sundar, Advocate, S.R.No.63144

W.P.No.1529 of 2016

PA(CO)

rrs 17/10/2018