

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.743 of 2010

and MP.No.1 of 2010

Shri Amit Kumar Jain
Proprietor, M/s.Amit Impex

... Petitioner

Vs.

1.The Commissioner of Customs
(Appeals), Customs House,
5th Floor, No.60, Rajaji Salai,
Chennai - 600 001.

2.The Additional Commissioner of
Customs (Imports)
Customs House, No.60 Rajaji Salai,
Chennai - 600 001.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent made as an interim order under section 129E of the Customs Act, 1962 in File No.C3/1544/O/2009-Sea dated 24.12.2009, quash the same and further direct the 1st respondent to take up the appeal of the petitioner in the above file number without insisting on pre-deposit of penalty amount for disposal of the same.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.T.Pramodkumar Chopra

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O R D E R

The prayer in this writ petition is to call for the records relating to the interim order dated 24.12.2009 passed by the first respondent under section 129E of the Customs Act, 1962 in File No.C3/1544/O/2009-Sea and quash the same and consequently, direct the first respondent to take up the appeal filed by the petitioner without insisting on pre-deposit of penalty amount for disposal of the same.

2.On 18.01.2010, while admitting the writ petition, this Court granted an order of interim stay, which is in force till date.

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner fairly submitted that it would suffice, if the appeal filed by the petitioner may be disposed of by the first respondent within a reasonable time, for which, the learned counsel for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court disposes of this writ petition, directing the first respondent to dispose of the appeal in F.No.C3/1544/O/2009-Sea, on merits and in accordance with law, after affording an opportunity of personal hearing to both the parties, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the order of interim stay granted by this Court on 18.01.2010 shall stand extended. No costs. Accordingly, M.P.No.1 of 2010 stands disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Customs
(Appeals), Customs House,
5th Floor, No.60, Rajaji Salai,
Chennai - 600 001.

2.The Additional Commissioner of
Customs (Imports)
Customs House, No.60 Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.T.PRAMODKUMAR CHOPDA, Advocate, S.R.No.42424
+1cc to Mr.B.SATHISHSUNDAR, Advocate, S.R.No. 42206

W.P.No.743 of 2010

TR(30/07/2018)