

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.2379 of 2011

M/s.Nikita Traders,
Rep.by its Proprietor Mr.Prabhat Naraian Awasthi,
Opposite Plot No.1044, Moja Hasanpur,
Parnala, M.I.E., Bahadurgarh,
Haryana - 124 504. India. .. Petitioner

Vs.

- 1.The Commissioner of Customs (Imports),
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.
- 2.The Joint Commissioner of Customs, Group-2,
Cutom House, No.60, Rajaji Salai,
Chennai - 600 001.
- 3.The Assistant Director,
Directorate of Revenue Intelligence
No.25, Gopalakrishna (Iyer) Road,
T.Nagar, Chennai - 600 017. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the goods viz., 160 Bags of Gambier Extract Booch Grade imported vide Bill of Entry No.636531, dated 22.09.2010, which was finally assessed by the Proper Officer under the Customs Act and total duty of Rs.5,98,669.00 was also paid on 27.09.2010.

For Petitioner : Mr.A.K.Jayaraj

For Respondents : No appearance

O R D E R

Heard Mr.A.K.Jayaraj, learned counsel for the petitioner and perused the materials available on record. Despite notice, the respondents have not chosen to appear in this case.

2. The petitioner has come up with this petition for issuance of Writ of Mandamus, directing the respondents to release the goods viz., 160 Bags of Gambier Extract Booch Grade imported vide Bill of Entry No.636531, dated 22.09.2010, which was finally assessed by the Proper Officer under the Customs Act and total duty of Rs.5,98,669.00 was also paid on 27.09.2010.

3. The case of the petitioner is that they have paid the entire customs duty on the value of the goods, despite the same, the respondents have seized the goods in question.

4. The learned counsel for the petitioner submitted that as per the order of this Court in M.P.No.1 of 2011, dated 15.02.2011, the petitioner has furnished a Provisional Duty Bond for the full value of the goods and executed a Bank guarantee for 15% of the value of the seized goods to the satisfaction of the second respondent. It is further submitted that the goods have been delivered to the petitioner.

5. In the light of above facts, this Writ Petition is disposed of directing the respondents to pass final order on the adjudication, if not order already passed, within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

r n s

To

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

2.The Joint Commissioner of Customs, Group-2,
Cutom House, No.60, Rajaji Salai,
Chennai - 600 001.

3.The Assistant Director,
Directorate of Revenue Intelligence
No.25, Gopalakrishna (Iyer) Road,
T.Nagar, Chennai - 600 017.

+1cc to Mr.A.K.Jayaraj, Advocate SR.No.59354

W.P. No.2379 of 2011

GMV (18/09/2018)



WEB COPY