

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2018

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.20479 and 20480 of 2008

and

W.M.P.No.1 of 2008 in W.P.No.20479 of 2008

and

W.M.P.No.2 of 2008 in W.P.No.20480 of 2008

M/s. Robert Bosch Engineering
and Business Solutions Ltd
(Formerly Robert Bosch India Ltd)
Chil SEZ, Keeranathan Village,
Saravanampatti, Coimbatore 641 035
(Represented by Vidya Sarathy, DGM
& Company Secretary)

..Petitioner in both W.Ps

vs

1. Union of India,
Rep. by The Director
Department of Commerce (SEZ Section),
Ministry of Commerce & Industry,
Government of India, Udyog Bhavan,
New Delhi - 110 011.
2. Development Commissioner,
Madras Export Promotion Zone,
MWP Special Economic Zone and HEOUs
Tambaram, Chennai - 600 045.
3. The Secretary,
Ministry of Finance, Department of Revenue,
Government of India,
No.14, Hudco Vishala Building,
B wing, 6th Floor, Bhikaji Cama Place,
New Delhi - 110 066.
4. The Member (Customs),
Central Board of Excise & Customs,
Ministry of Finance, Department of Revenue,
Government of India,
North Block, New Delhi.

5. The Commissioner of Customs,
6/7 A.T.D. Street, Race Course Road,
Coimbatore - 641 018.

6. Authorised Officer,
Coimbatore Hitech Infrastructure Ltd.,
Keeranathan Village, Saravanampatti,
Coimbatore - 641 035.

.. Respondents in both W.Ps

Prayer in W.P.No.20479 of 2008: This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to O.C.No.356 of 2008 dated 04.08.2008 of the sixth respondent and to quash the same and consequently to direct the sixth respondent to forbear from levying duties on customs being payable for supply of goods by parties in the Domestic Tariff Area to the Petitioner unit in the SEZ.

Prayer in W.P.No.20480 of 2008: This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to F.No.6.02.2008-SEZ dated 23.05.2008 of the first respondent and to quash the same and consequently to direct the sixth respondent to forbear from levying duties on customs being payable for supply of goods by parties in the Domestic Tariff Area to the Petitioner unit in the SEZ.

For Petitioner : Mr.J.Shankar Raman
(in both W.Ps.)

For Respondents : Mr.K.Mohana Murali
(in both W.Ps.) Standing Counsel for R1,R3 and R5

C O M M O N O R D E R

The learned counsel for the petitioner submitted that identical issue arising in Advait Steel Rolling Mills Pvt. Ltd. Vs. Union of India 2012 (286) E.L.T. 535 (Mad.) has been disposed of.

2.The learned counsel for the respondents 1, 3 and 5 mentions that he is unaware that whether an appeal has been preferred against the order of the Division Bench of this Court in this case. However, he submits that the decision of the Hon'ble Gujarat High Court in Essar Steel Ltd. Vs Union of India 2010 (249) E.L.T. 3 (Guj.) was allowed by the Supreme Court which forms the basis of the Judgement in Advait Steel Rolling Mills Pvt. Ltd. Vs. Union of India 2012 (286) E.L.T. 535 (Mad.).

3.However, the third respondent has filed a review petition vide Review Petition No.1848 of 2010. He states that the review petition is still pending before the Hon'ble Supreme Court.

4.The Writ Petitions are allowed with a liberty to the department to workout the remedy subject to the outcome of the review petition. The petitioner also has liberty to make appropriate submissions of merits in case, fresh proceedings are initiated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

krk/ia

To

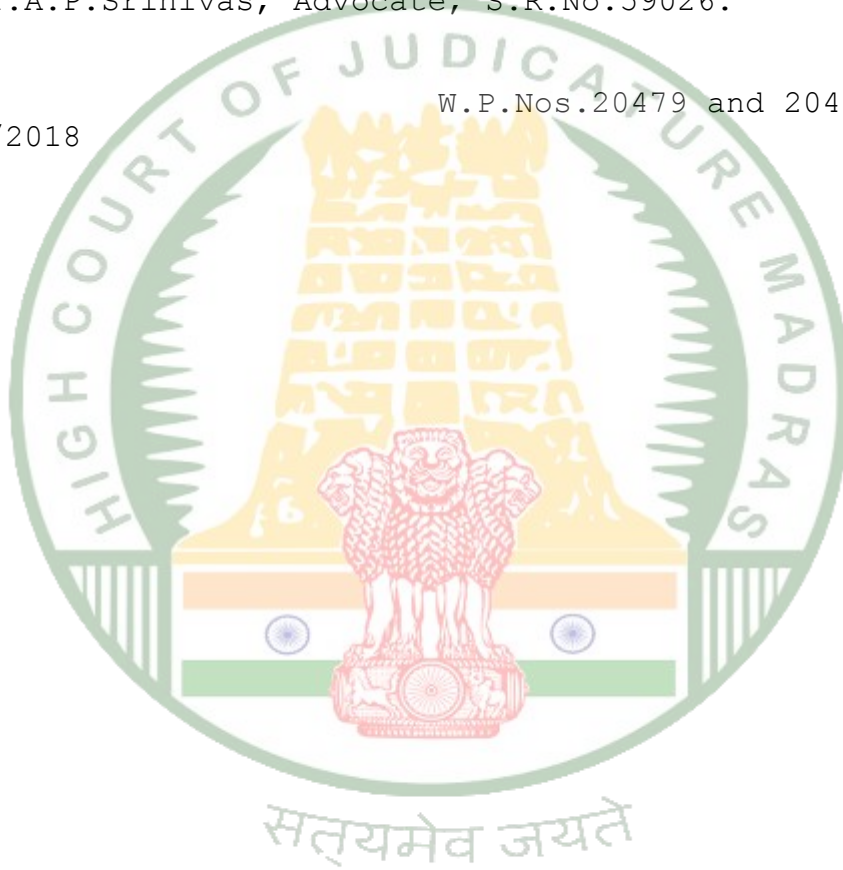
- 1.Union of India,
Rep. By The Director
Department of Commerce (SEZ Section),
Ministry of Commerce & Industry,
Government of India, Udyog Bhavan,
New Delhi - 110 011.
- 2.Development Commissioner,
Madras Export Promotion Zone,
MWP Special Economic Zone and HEOUs
Tambaram, Chennai - 600 045.
- 3.The Secretary,
Ministry of Finance, Department of Revenue,
Government of India,
No.14, Hudco Vishala Building,
B wing, 6th Floor, Bhikaji Cama Place,
New Delhi - 110 066.
- 4.The Member (Customs),
Central Board of Excise & Customs,
Ministry of Finance, Department of Revenue,
Government of India,
North Block, New Delhi.

5.The Commissioner of Customs,
6/7 A.T.D. Street, Race Course Road,
Coimbatore - 641 018.

6.Authorised Officer,
Coimbatore Hitech Infrastructure Ltd.,
Keeranathan Village, Saravanampatti,
Coimbatore - 641 035.

+lcc to Mr.A.P.Srinivas, Advocate, S.R.No.59026.

rrs 01/10/2018 W.P.Nos.20479 and 20480 of 2008



WEB COPY