

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.A.No.902 of 2018
and
CMP No.7879 of 2018

1. The Commissioner of Customs,
(Seaport-Imports), Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.
2. The Additional Commissioner of Customs (Gr-5A),
Customs House, No.60, Rajaji Salai,
Chennai - 600 001.
3. The Assistant Commissioner of Customs (Gr.5A),
Customs House, No.60 Rajaji Salai,
Chennai - 600 001. .. Appellants/Respondents

versus

M/s.Pankaj Electronics,
Rep. by its Proprietor Shri Virender Kumar,
15-1-751/13, 2nd Floor,
Koti,
Hyderabad - 500 095. .. Respondent/Petitioner

Writ Appeal filed against the order dated 17.09.2012 in
W.P.No.23406 of 2012.

W.P.No.23406 of 2012:

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus Directing the respondents herein to provisionally assess and permit clearance of 183 units of used printers forming the subject matter vide Bill of Entry No.4009612 dated 7.7.2011 upon the payment of applicable duties of Customs on the enhanced assessable value as determined by the Chartered Engineer pursuant to the orders of the commissioner of Customs (Appeals) Chennai vide its order dated 30.12.2011 in C.Cus. No.873 of 2011 and by adequately safeguarding the interest of the petitioner by issuing appropriate Detention Certificate to the container Freight Station (CFS) where the goods are stationed in terms of Regulation 6(1) of the Handling

of Cargo in Customs Area Regulations 2009 due to the delay caused by the respondent in releasing the goods under import and to pass such further order or orders at this Hon'ble Court may deem fit in the facts and circumstances of the case and thus render justice.

For Appellants : Mr.Pramod Kumar Chopda

JUDGMENT

(Order of the Court was delivered by S.MANIKUMAR, J.)

Writ Appeal is directed against the order made in W.P.No.23406 of 2012 dated 17.09.2012, directing provisional release of goods, subject to conditions prescribed under law and on payment of appropriate customs duty and other charges, if any.

2. On 10.04.2018, when CMP No.3779 of 2016 in WA Sr.No.44268 of 2015 filed for condonation of 956 days, came up for hearing, we directed Mr.T.Pramod Kumar Chopda, learned counsel for the Commissioner of Customs (Seaport - Imports), Chennai to get instructions as to whether provisional release has been made.

3. Today, reverting, learned counsel submitted that goods have been released provisionally.

4. Though, assailing the correctness of the order made in W.P.No.23406 of 2012, instant writ appeal has been filed, taking note of the fact that provisional release has already been made, we are not inclined to delve into the grounds, but leave the issues open for consideration, in appropriate case.

5. With the above observations, writ appeal is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ars

To

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

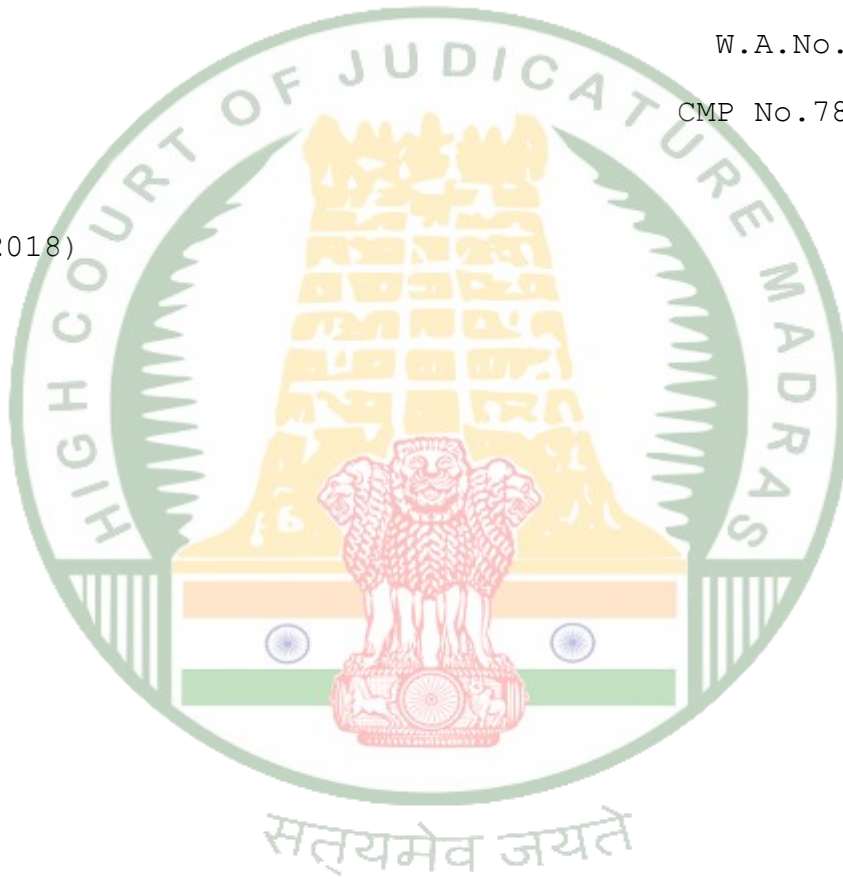
2. The Additional Commissioner of Customs (Gr-5A),
Customs House, No.60, Rajaji Salai,
Chennai - 600 001.

3. The Assistant Commissioner of Customs (Gr.5A),
Customs House, No.60 Rajaji Salai,
Chennai - 600 001.

+1 CC to Mr.Pramod Kumar Chopda, Advocate sr 29635.

W.A.No.902 of 2018
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SP(27/04/2018)



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