

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2018
CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.1768 of 2018

M/s.Legend Resources Groups Import and Export
11/6 Krishnan Kovil Street (5th Floor)
Near BSNL Office, Mannady
Chennai - 600 001
Rep by its G. Mahalingam

.. Petitioner

v.

The Assistant Commissioner
Special Intelligence and Investigation Branch
Customs House
Rajaji Salai
Chennai - 600 104.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari directing the respondent to consider the representation dated 14.12.2017 of the petitioner in respect of release of B.O.E. Nos. 4275340 and 4275157, dated 5.12.2017 .

For Petitioner : Mr.G.Punniakoti

For Respondent : Ms. Hema Muralikrishnan,
Senior Standing Counsel

ORDER

Heard Mr.G.Punniakoti, learned counsel for the petitioner and Ms. Hema Muralikrishnan, learned Senior Standing Counsel for the respondent.

2. The petitioner has filed the above Writ Petition to direct the respondent to consider his representation dated 14.12.2017 and release the consignment, which were covered in Bill of Entry dated 05.12.2017.

3. The respondent has filed a detailed counter affidavit stating that as to why the consignment cannot be released.

4. The sum and substance of the counter affidavit being that the petitioner had imported 'Adult Toys', which are banned

items, and other items, which are being imported, attracts IPR violation and they are all counterfeit items and the total value of the offending goods exceeds Rs.1 crore and therefore, the petitioner is liable for arrest and further investigation is in process.

5. The learned counsel for the petitioner submitted that the supplier from whom the goods were received had sent an e-mail on 28.12.2017 to the petitioner stating that the shipment intended for Bangkok customer has wrongly been dispatched to the petitioner and therefore, requested the petitioner to re-export the cargo.

6. This stand appears to have been taken by the petitioner much after the examination of the goods which were completed on 11.12.2017. However, it is seen that the request for re-export have not been given in writing to take action, therefore, the prayer for re-export cannot be considered on a oral request.

7. In the result, the writ petition is dismissed. Liberty is given to the petitioner to file an application before the respondent seeking permission to re-export and on filing such application, the same shall be considered by the respondent, on merits and in accordance with law, within a period of two weeks from the date of receipt of such application. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkj

To

The Assistant Commissioner
Special Intelligence and Investigation Branch
Customs House
Rajaji Salai
Chennai - 600 104.

+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.27045

W.P.No.1768 of 2018

RRK(13/04/2018)