

In the High Court of Judicature at Madras

Dated : 20.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.18429 of 2018 & WMP.No.21749 of 2018

M/s.Uni Logistic Agencies Private
Limited, rep. by its Managing
Director Mr.D.Kumaresan

...Petitioner

Vs

1.The Commissioner of Customs,
Chennai VIII Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-1.

2.The Assistant Commissioner of
Customs (Customs Broker
Section), Custom House, 60,
Rajaji Salai, Chennai-1.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to include the name of P.Sanker as the authorized
signatory/power of attorney of the petitioner company in terms
of the representation dated 06.6.2018 of the petitioner company
in order to enable the petitioner company to operate as a
Customs Broker.

For Petitioner : Mr.Hari Radhakrishnan
For Respondents : Mr.S.R.Sundar, SPC

ORDER

Mr.S.R.Sundar, learned Senior Panel Counsel accepts notice
for the respondents. Heard both. By consent, the writ petition
itself is taken up for final disposal.

2. The petitioner seeks a direction to the respondents to
include the name of one Mr.P.Sankar as the authorized
signatory/power of attorney of the petitioner company in terms
of the representation dated 06.6.2018.

3. It appears that the petitioner has been orally informed
that their request cannot be considered because a show cause
notice has been issued to the petitioner company under

Regulation 20 of the Customs Brokers Licensing Regulations, 2018 (CBLR) .

4. The learned counsel for the petitioner would submit that earlier, a show cause notice dated 03.8.2016 has been issued to the company and at the relevant time, one Mr.Lakshminarayanan was the authorized signatory of the petitioner to operate the licence. The said Mr.Lakshminarayanan is no more and in his place, the said Mr.P.Sankar has been substituted by the petitioner and a representation dated 06.6.2018 has been given to the second respondent to make the said Mr.P.Sankar as the authorized signatory/power of attorney. It is further submitted that there is no imputation against the said Mr.P.Sankar and no prejudice would be caused if the Department substitutes his name in the place of the said Mr.Lakshminarayanan. It is also submitted that the show cause notice dated 26.6.2018 came to be issued only after the request was made by the petitioner for substitution vide representation dated 06.6.2018. Furthermore, the petitioner's Customs Brokers Licence is not suspended and continues to remain valid.

5. In the considered view of this Court, though the petitioner seeks a positive direction to the respondents to include the name of the said Mr.P.Sankar, since the writ petition is disposed of at the admission stage itself, this Court cannot grant any positive direction, but is inclined to direct the second respondent to consider the representation of the petitioner dated 06.6.2018.

6. Accordingly, the writ petition is disposed of by directing the second respondent to consider the representation of the petitioner dated 06.6.2018 and pass appropriate orders thereon on merits and in accordance with law and if necessary, afford an opportunity of personal hearing to the petitioner. The above direction shall be complied with as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Commissioner of Customs,
Chennai VIII Commissionerate,
Custom House, 60, Rajaji Salai, Chennai-1.

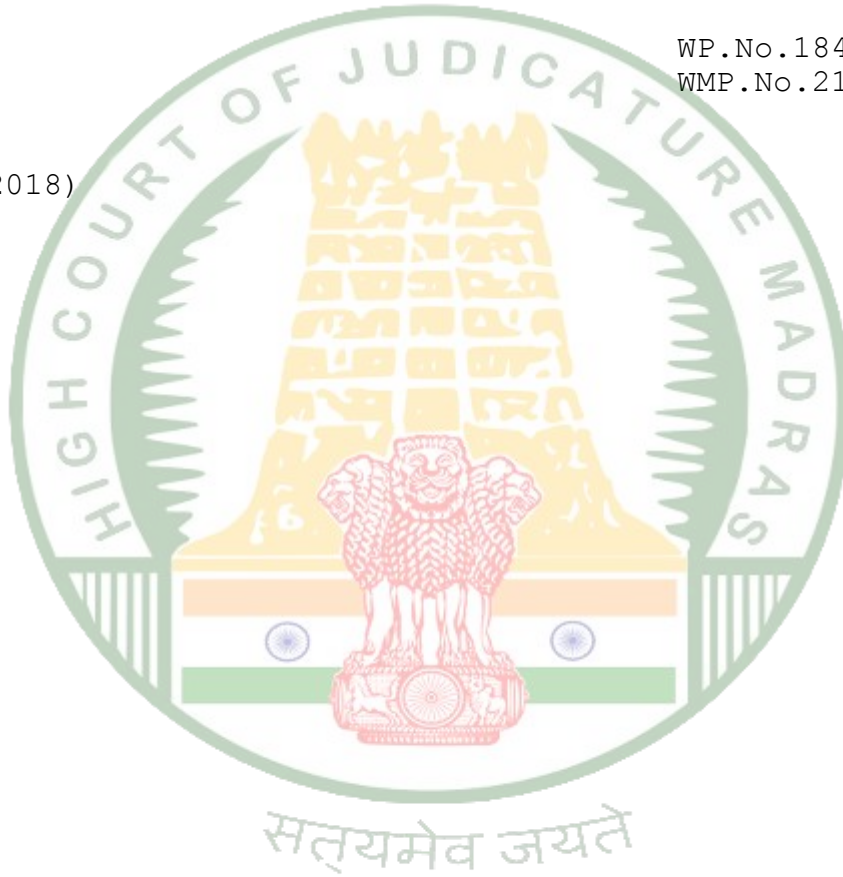
2.The Assistant Commissioner of Customs
(Customs Broker Section), Custom House,
60, Rajaji Salai, Chennai-1.

+1cc to Mr.HARI RADHAKRISHNAN, Advocate, S.R.No.48890

+1cc to Mr.S.R.SUNDAR, Advocate, S.R.No.48400

WP.No.18429 of 2018&
WMP.No.21749 of 2018

PA(CO)
TR(09/08/2018)



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