

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.10.2018

CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.25686 of 2018
in
W.M.P.Nos.29870 of 2018

M/s. Monisha Enterprises
represented by its Proprietor
Ms.Urvashi Kuchkreja
ShopNO.4, Glamour Glen CHS Ltd.,
Plot lNo.100, dr.Ambedkar road,
Opp.Smoke House Deli,
Bandra (W), Mumbai - 400 050.

..Petitioner

vs.

The Deputy Commissioner of Customs (Group 6)
Chennai II Commissionerate,
Custom House,
60 Rajaji Salai,
Chennai - 600 001.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to either accept the transaction value declared in the bill of entry No.8041138 dated 14.09.2018 and permit clearance of the goods or alternatively to provisionally assess and clear the goods imported in terms of Section 18 of the customs Act, 1962 within a reasonable time frame.

For Petitioner : Mr.Hari Radhakrishnan

For Respondent : Mr.T.L.Tirumalaisamy,
Central Government Standing Counsel

O R D E R

The petitioner seeks for a Mandamus to direct the respondent to either accept the transaction value declared in the bill of entry No.8041138 dated 14.09.2018 and permit clearance of the goods or alternatively to provisionally assess and clear the goods imported in terms of Section 18 of the customs Act, 1962 within a reasonable time frame.

2. Heard Mr.Hari Radhakrishnan, learned counsel appearing for the petitioner and Mr.T.L.Tirumalaisamy, learned Central Government Standing Counsel appearing for the respondent.

3. The grievance of the petitioner before this Court is that the bill of entry filed by them in No.8041138 dated 14.09.2018 has not been considered by the respondents so far for release of the goods either by accepting the transaction value declared in the said bill of entry or by making provisional assessment of the goods so imported.

4. The crux of the contention of the petitioner before this Court is that the respondent cannot keep quiet without passing any order in the bill of entry filed by the petitioner, since the petitioner, by such delay, is suffering with heavy loss every day by way of demurrage/ware housing charges.

5. On the other hand, the learned counsel appearing for the respondent submitted that the goods have been re-stuffed from the container and the petitioner is allowed to keep it in the warehouse. However, the learned counsel appearing for the respondent admitted the position that the respondent has not passed any order so far on the bill of entry filed by the petitioner.

6. Therefore, without expressing any view on the merits of the contentions raised by the petitioner, I only direct the respondent to look into the bill of entry filed by the petitioner in No.8041138 dated 14.08.2018 and pass orders on the same on merits and in accordance with law without loss of further time. Such exercise shall be done by the respondent within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi/sni

To

The Deputy Commissioner of Customs (Group 6)
Chennai II Commissionerate,
Custom House,
60 Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No.71054
+1cc to Mr.Hari Radhakrishnan, Advocate, S.R.No.70947

W.P.No.25686 of 2018

VBA(CO)
rrs 12/10/2018