

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.28692 and 28725 of 2018

M/s. Max Enterprises

KEM R.No.713, Fakir Mohd. Lane

Makran Mohalla, Joheswari (East)

Mumbai - 400 060

by its proprietor Shaik Abdul Rasheed ...Petitioner in both the W.Ps.

vs.

1. The Deputy Commissioner of Customs(Gr.3)

No.60, Rajaji Salai, Custom House,
Chennai - 600 001.

2. The Deputy Commissioner of Customs (SIIB)

No.60, Rajaji Salai, Custom House,
Chennai - 600 001.

... Respondents in both the W.Ps.

Writ Petition No.28692/2018 is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to provisionally release the goods, covered by Bill of Entry No.7978920 dated 10.09.2018 in terms of the powers vested with the respondents under Section 110A of the Customs Act, pending adjudication r/w. Customs (Provisional Assessment) Regulations and by considering the representation of the petitioner dated 01.10.2018.

Writ Petition No.28725/2018 is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to provisionally release the goods, covered by Bill of Entry No.7978888 dated 10.09.2018 in terms of the powers vested with the respondents under Section 110A of the Customs Act, pending adjudication r/w. Customs (Provisional Assessment) Regulations and by considering the representation of the petitioner dated 01.10.2018.

For Petitioner : Mr.S.Baskaran

For Respondent : Mr.K.Magesh,
Standing Counsel

COMMON ORDER

The petitioner seeks for a Writ of Mandamus to direct the respondents herein to provisionally release the goods, covered by Bill of Entry Nos.7978920 & 7978920 respectively dated 10.09.2018 in terms of the powers vested with the respondents under Section 110A of the Customs Act, pending adjudication r/w. Customs (Provisional Assessment) Regulations and by considering the representation of the petitioner dated 01.10.2018.

2. Mr.K.Magesh, learned Standing Counsel takes notice for the respondents.

3. The grievance of the petitioner is that the Bills of Entry filed by the petitioner dated 10.09.2018 has not been considered by the respondents so far for release of the goods provisionally.

4. On the other hand, the learned counsel for the respondents submitted that the investigation is going on.

5. However, as the petitioner has made a representation dated 01.10.2018, it is for the respondents to consider and pass orders on such representation of the petitioner on merits and in accordance with law and communicate the same to the petitioner. This Court is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents to consider and decide. Accordingly, the writ petitions are disposed of only by directing the first respondent to consider the representation of the petitioner dated 01.10.2018 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

vsi/sni

To

1. The Deputy Commissioner of Customs(Gr.3)
No.60, Rajaji Salai, Custom House,

Chennai - 600 001.

2. The Deputy Commissioner of Customs (SIIB)
No.60, Rajaji Salai, Custom House,
Chennai - 600 001.

+2cc to Mr.S.Baskaran, Advocate SR.No.75401

+1cc to Mr.K.Magesh, Advocate SR.No.75179

W.P.Nos.28692 & 28725 of 2018

GMV (02/11/2018)



WEB COPY