



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WMP(MD) No.18572 of 2018
IN
WP(MD) No.5052 of 2018

HARI & CO.,
CONTAINER FREIGHT STATION,
NO.4/29E, MADURAI BYE-PASS ROAD,
TUTICORIN - 628 008.
BY ITS EXECUTIVE DIRECTOR AND AUTHORISED SIGNATORY,
R.ARUL MURUGAN. ... PETITIONER/ PETITIONER

Vs

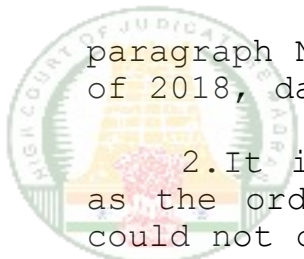
THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN -628 006. ... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to extend the time for furnishing Bank Guarantee in compliance with paragraph 23(1)(a) of the order of this Hon'ble court in WP(MD) NO.5052 of 2018, dated 02.08.2018.

PRAYER in WP(MD) No.5052 of 2018:

Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus to call for the records connected with the passing of order of immediate suspension of operation of the custodianship of the CFS held by the petitioner firm in terms of the provisions contained in Regulation 11(2) of the Handling of Cargo in Custom Area Regulations, 2009 in file C.No.VIII/48/4/2002-Cus-Pol dated 05.03.2018, (vide public notice No.26/2004, dated 13.05.2004), by the respondent herein and quash the same as having passed without jurisdiction and contrary to law and consequently, to permit the petitioner firm to operate as custodianship/container freight station under the Handling of Cargo in Customs Area Regulations, 2009.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.PRASAD, Advocate for the petitioner and of Mr.B.VIJAYAKARTHIKEYAN, Advocate on behalf of the Respondent, the court made the following order:-



paragraph No.23(1)(a) of the order of this Court in W.P.(MD).No.5052 of 2018, dated 02.08.2018.

2.It is stated by the learned counsel for the petitioner that as the order copy was received only on 17.09.2018, the petitioner could not comply with the direction of this Court. He would further submit that the meeting is proposed to be held in the next week and that they will place the proposal before the Board to obtain sanction for furnishing bank guarantee. Thus, he prays for four weeks time for compliance.

3.The learned counsel appearing for the respondent vehemently objected to grant such relief.

4.Considering the submission of the learned counsel for the petitioner, the time limit stipulated by this Court in paragraph No.23(1)(a) of the order of this Court, dated 02.08.2018, is extended till 30.10.2018. It is made clear that no further extension will be given.

5. This petition is accordingly ordered.

sd/-
09/10/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN -628 006.

+1. C.C. to Mr.N.PRASAD Advocate SR.No.19214
+1CC TO Mr.B.VIJAYAKARTHIKEYAN, Advocate, SR NO.19137

ORDER
IN
WMP(MD) No.18572 of 2018
IN
WP(MD) No.5052 of 2018
Date :09/10/2018

MS/PN/SAR-1/10.10.2018/2P.4C