

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34950 of 2002

And

W.P.M.P.No.52016 of 2002

Madras Medical Mission

(Institute of Cardio-Vascular Disease)

rep. by its Hony Secretary having
their office at

No.4-A, Dr.J.Jayalalitha Nagar,

Mogappair,

Chennai-600 050.

.... Petitioner

--Vs--

1. Union of India,
Ministry of Health and Family Welfare,
New Delhi.

2. The Director General of Health Services,
(NG Section) Nirman Bhavan,
New Delhi.

3. The Roshia Committee
rep. by its President,
having its office at
(NG Section) Nirman Bhavan,
New Delhi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari, to call for the records relating to the proceedings in No.Z37034/6/92-MG dated 06.12.2000 on the file of the 2nd respondent, whereby the 2nd respondent has withdrawn the concession extended pursuant to the notification No.64/88-Customs dated 01.03.1988 in favour of the petitioner as such proceedings of the second respondent is vitiated by an error apparent on the face of the record and quash the same.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents-1&2 : Mr.J.Madana Gopal Rao,
Senior Panel Counsel.

For Respondent-3 : No Appearance.

O R D E R

The order dated 06.12.2000, issued by the 2nd respondent, is sought to be quashed in the present writ petition, in relation to the withdrawal of the concession extended in favour of the writ petitioner, pursuant to the Notification No.64/1988-Customs dated 01.03.1988.

2. The issues raised in the present writ petition are in relation to the import of the medical equipments from other countries. The Government of India vide Notification No.64 of 1988 (Customs) dated 01.03.1988, granted certain exemptions in respect of all such imports of the medical equipments across the country from various other countries.

3. On account of efflux of time and on account of the exemptions granted subsequently in favour of the importers, the writ petitioner also contended that if a reasonable amount is fixed, the writ petitioner is ready and willing to settle the same.

4. This apart, the respondents are also unable to proceed with the entire files with reference to the details to be adjudicated, enabling this Court to arrive the quantum of amount. Under these circumstances, the Court suggested for a settlement as the files relevant are not produced and the calculations are unable to be finalised.

5. In view of the proposal to settle the matter, the learned counsel for the writ petitioner, on getting instructions from the writ petitioner, made a submission that the writ petitioner is ready to settle Rs.10 lakhs towards Customs Duty to the Government of India as full settlement.

6. In view of the submissions made by the learned counsel for the writ petitioner, the learned Senior Panel Counsel, appearing on behalf of the respondents 1 and 2, also states that the amount is to be paid in favour of the 'Commissioner of Customs'.

7. Accordingly, the writ petitioner is directed to pay Rs.10 lakhs towards full and final settlement and the payment is to be paid by way of a Demand Draft in favour of 'Commissioner of Customs', within a period of two weeks from the date of

receipt of a copy of this order. On receipt of the said amount, the respondents are directed to drop all further proceedings with reference to the issues raised in the present writ petition.

8. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ska/Svn

To

1. Union of India
Ministry of Health and Family Welfare.
New Delhi.
2. The Director General of Health Services
(NG Section) Nirman Bhavan
New Delhi.
3. The President
The Roshia Committee
(NG Section) Nirman Bhavan
New Delhi.

+1cc to Mr.J.Madangaopal Rao, Advocate SR.No.7653

+2ccs to Mr.S.L.Sudasanam, Advocate SR.No.7801

W.P.No.34950 of 2002
& W.P.M.P.No.52016 of 2002

GJ(CO)
GMY(01/03/2019)

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