

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.38079 of 2003
and
W.M.P.No.46230 of 2003
and
W.M.P.No.46231 of 2003

M/s.Redington (India) Ltd.,
SPL Guindy House,
No.95, Mount Road,
Guindy, Chennai - 600 032.
Rep.by its Chief Financial Officer ... Petitioner
Vs

1.The Commissioner of Customs,
Airport Commissionerate,
Chennai - 600 027.

2.Deputy Commissioner of Customs,
Chennai Airport,
DEPB-Group VII,
Air Cargo Complex,
Meenambakkam,
Chennai - 600 027.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue of a Writ of Certiorarified Mandamus calling for the records of second respondent comprised in the communication bearing reference in F.No.S.Misc.7173/03/Gr.7-ACC dated 18.07.2003, and quash the same and consequently forbearing the respondents from in any manner demanding or recovering from the petitioner the alleged duty pending completion of investigations by Special Intelligence and Investigation Branch.

For Petitioner : Mr.R.Parthasarathy

For Respondents: Mr.J.Madanagopal Rao (SCGSC)

ORDER

The order under challenge in the present Writ Petition is demand of duty by the first respondent herein.

2. One of the main ground raised by the petitioner is that no show cause notice was issued prior to the impugned demand made. It is now brought to the notice of this Court that pending the writ petition, the first respondent herein had issued Show Cause notice on 19.12.2005, pursuant to which, an enquiry has also commenced, in which the petitioner has participated.

3. The letter to the first respondent dated 23.03.2018, in connection with the enquiry is produced before this Court. It is further submitted that the enquiry is still pending. While that being so, it would not be appropriate for this Court to paralelly consider the issue, which is kept pending the enquiry before the first respondent herein.

4. In the light of the above submissions, the first respondent herein is called upon to complete the enquiry against the petitioner herein in S.Misc.01/2006-CAU-AIR, within a period of three months from the date of receipt of a copy of this order. The Writ Petition stands ordered accordingly. Consequently, the connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smv
To

1. The Commissioner of Customs,
Airport Commissionerate, Chennai - 600 027.

2. Deputy Commissioner of Customs,
Chennai Airport, DEPB-Group VII,
Air Cargo Complex, Meenambakkam, Chennai - 600 027.

+1 cc to Mr.R.Parthasarathy, Advocate Sr.No.24582

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KK(CO)
CSL/10.04.2019