

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.10.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WP.No.11761 of 2004

Prime Textiles Ltd.,
No.110, Avanashi Road,
Gandhi Nagar,
Tiruppur, 641 603

... Petitioner

Vs.

1. Union of India,
rep. by its Secretary,
Ministry of Finance,
Department of Revenue North Block,
New Delhi.
2. The Commissioner of Customs,
Customs House,
Tuticorin.
3. The Join Director General of
Foreign Trade,
1544, Trichy Road,
Coimbatore 18.05.2006
4. The Director General of Foreign Trade,
Udyog Bhavan, New Delhi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the circular No.4/2004-Cus dated 16.01.2004 of the first respondent and quash that part of the notification in para 3.2 viz., " As regards permitting conversion of free shipping bills into advance licence/DEPB/DFRC shipping bills is concerned, it is true over a period of time, with liberalization having been ushered in the Customs administration, clearance of goods is being permitted mostly on the basis of self-declaration made by the exporters on the shipping bills. Such self-assessment scheme necessarily casts the responsibility on the exporter to make up his mind at the time of filing shipping bills as to which export promotion incentive he likes to avail. With the introduction of the system of on-line assessment, such request for conversion at a later

date creates difficulties and it is not advisable to encourage such conversion. It is, therefore, clarified that conversion of free shipping bills into Advance Licence/DEPB/DFRC shipping bills should not be allowed" and consequently direct the second respondent to order conversion of 427 shipping Bills into DEPB shipping bills and direct the third respondent to issue DEPB licence loaded with the special Additional Duty benefit.

For Petitioner : Mr. Muthappan

For Respondents : Mrs. Mallika Srinivasan,
1 to 4 S.C.

O R D E R

The learned counsel appearing for the petitioner submitted that the relief sought for in this writ petition has become infructuous and hence the writ petition may be dismissed as infructuous and he has also made an endorsement to that effect.

2. Recording the submission made by the learned counsel appearing for the petitioner, since the relief sought for in this petition has become infructuous, this Writ Petition is dismissed as infructuous. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1. The Secretary,
Union of India,
Ministry of Finance, सत्यमेव जयते
Department of Revenue North Block,
New Delhi.

2. The Commissioner of Customs,
Customs House,
Tuticorin.

3. The Joint Director General of
Foreign Trade,
1544, Trichy Road,
Coimbatore 18.05.2006

4. The Director General of Foreign Trade,
Udyog Bhavan, New Delhi

WP.No.11761 of 2004

BP (CO)
SP (27/12/2019)



WEB COPY