

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3353 of 2013

M/s.Ankit Fasteners Pvt Ltd.,
Rep. by its Senior Manager
Mr.S.N.Nanjundeshwar,
297, Haragadde Village, Road No.4,
Jigni Industrial Estate Phase - I,
Bangalore - 560105.Petitioner

Vs.

The Assistant Commissioner of
Customs (EPCG),
Office of the Commissioner of Customs,
Customs House,
No.60, Rajaji Salai,
Chennai - 600001.Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to release the two bank guarantees Nos.1302/11/2002 dated 28.08.2002 for Rs.5,76,225/- and 1302/14/2002 dated 15.11.2002 for Rs.17,18,059/- executed by the petitioner.

For Petitioner : Mr.Hari Radhakrishnan
For Respondent : Mr.A.P.Srinivas, SSC

सत्यमेव जयते
ORDER

The limited prayer sought for in the present writ petition is for an issuance of Writ of Mandamus, directing the respondent to release the bank guarantees on the ground that the Order-in-Original dated 25.04.2011 has been set aside by this Court in W.P.Nos.13647 and 13648 of 2012, dated 06.08.2012.

2. It is the specific case of the petitioner before this Court in the earlier Writ Petitions that the petitioner had exported the goods within the extended period and had also obtained the redemption letter, which has been forwarded to the respondent and inspite of the same, the original order came to be passed. Taking into consideration the redemption letter, this

Court had quashed the Order-in-Original. Though the petitioner seems to claim that he is entitled for release of the bank guarantees, the respondent herein had filed a counter affidavit dated 05.03.2013, wherein they have attempted to justify that the petitioner is not entitled for such a relief.

3. In my view, unless this justification attempted by the petitioner culminates into an order, it may not be appropriate for this Court to step into the shoes of the authorities to adjudicate as to the petitioner's entitlement for bank guarantees. Nevertheless, if the petitioner is granted liberty to approach the respondent, seeking for release of bank guarantees and the respondent in turn is directed to consider such a request, the ends of justice would be secured.

4. In the light of the above observations, the petitioner herein is granted liberty to give a representation to the respondent herein, seeking for release of the bank guarantees, as expeditiously as possible and on receipt of such a representation, the respondent herein shall consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of 30 days from the date of receipt of a copy of this order, after giving due opportunity of personal hearing to the petitioner herein.

5. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Commissioner of Customs (EPCG),
Office of the Commissioner of Customs,
Customs House, No.60, Rajaji Salai,
Chennai - 600001.

+1 cc to M/s.Hari Radhakrishnan, Advocate Sr.No. 72956
+1 cc to Mr.A.P.Srinivas, Advocate Sr.No.72188

AKM/14.10.19/2P- 4C /

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