

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.NO.948 OF 2018
AND CMP NO.8075 OF 2018

M/s.Leitwind Shriram Manufacturing Limited
Plot No.D-17, Sipcot Industrial Complex,
Gummidipoondi,
Thiruvallur District - 601 201.
Rep. by its General Manager (Supply Chain)
and Authorized Signatory V.Ravichandran ... Appellant

Vs.

- 1.The Assistant / Deputy Commissioner
of Customs (Gr.4)
No.60, Rajaji Salai,
Customs House, Chennai - 600 001.
- 2.The Commissioner of Customs (SIIB)
Chennai III Commissionerate
No.60, Rajaji Salai,
Customs House, Chennai - 600 001.
- 3.The Deputy Commissioner of Customs (SIIB)
Chennai III Commissionerate
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 4.The Appraiser (SIIB)
No.60, Rajaji Salai,
Customs House,
Chennai - 600 001. ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
against the order passed in W.P.No.33914 of 2017 dated
01.03.2018 and the same received by the appellant/petitioner on
11.04.2018.

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari mandamus calling for the records connected with the Seizure Memo dated 04.10.2017 in file F.No.ENO/91/2017-SIIB issued by the 4th respondent herein and to quash the same, insofar as the said Seizure Memo issued is without jurisdiction, authority of law, against the provisions of law and in total violation to the principles of natural justice and consequently direct the respondents herein to allow the clearance of the goods covered under Ex-Bond Bill of Entry No.3056014 dated 31.08.2017 without requiring the payment of Anti Dumping Duty under Notification No.17/2017 Customs (ADD) dated 11.05.2017.

For Appellant : Mr.N.Viswanathan

For Respondents : Mr.V.Sundareswaran
Senior Standing Counsel

J U D G M E N T

(Judgment of the Court was made by Dr.Vineet Kothari, J.)

The learned counsel for the appellant is seeking leave of the Court to withdraw the present Writ Appeal directed against the order dated 01.03.2018 passed by the learned Single Judge in W.P.No.33914 of 2017 filed by the appellant/petitioner M/s.M/s.Leitwind Shriram Manufacturing Limited and raise all the points involved in the present Writ Appeal before the learned Customs Excise and Service Tax Appellate Tribunal (CESTAT) where his appeal is pending. He further submitted that since the goods are still detained by the respondent Department, he may be permitted to move an Interlocutory Application before the learned CESTAT with a request to decide the same as expeditiously as possible.

2. The learned counsel for the Revenue has no objection to the withdrawal of the Writ Appeal.

3. We, therefore, permit the learned counsel for the appellant to withdraw this Writ Appeal and is accordingly, dismissed as withdrawn, with liberty to raise all the points before the learned CESTAT in the pending appeal and further liberty is given to the appellant to move the Interlocutory Application before the learned CESTAT for release of the goods,

which may be decided expeditiously, by the learned CESTAT. We also expect that the CESTAT decide the appeal filed by the appellant, on its own merit and uninfluenced by the orders passed by the learned Single Judge. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

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of Customs (Gr.4)
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No.60, Rajaji Salai,
Customs House,
Chennai - 600 001.

+1cc to Mr.V.Sundareswaran, Advocate sr.96954

ks(co)
nr 04/02/2020

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