

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Sixth day of June Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M. SUNDAR

WMP.NOS.17119 AND 17125 OF 2019

IN WP.NOS.17679 AND 17685 OF 2019

WAYMARK CONTAINER FREIGHT [PETITIONER IN BOTH THE PETITIONS]
STATION PVT. LTD., NO.14, JAFFER STREET
(BEHIND CUSTOM HOUSE), PARRYS, CHENNAI - 600
001. REP.BY ITS AUTHORISED SIGNATORY, A.
MANIMARAN,

Vs

1 UNION OF INDIA [RESPONDENT IN BOTH THE PETITIONS]
MINISTRY OF COMMERCE AND INDUSTRY,
INFRASTRUCTURE DIVISION,
DEPARTMENT OF COMMERCE, UDYOG BHAVAN,
NEW DELHI - 110 011,
REP. BY ITS UNDER SECRETARY.

2 GOVERNMENT OF INDIA,
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE,
(CENTRAL BOARD OF INDIRECT TAXES AND
CUSTOMS), ROOM NO.227-B, NORTH BLOCK,
NEW DELHI - 110 001, REP.BY ITS DIRECTOR CUSTOMS

3 THE COMMISSIONER OF CUSTOMS,
COMMISSIONERATE VIII, CUSTOMS HOUSE, NO.60,
RAJAJI SALAI, CHENNAI - 600 001.

4 M/S. CONTINENTAL WAREHOUSING
CORPORATION, (NHAVA SHEVA) LTD.,
F5-5, 5TH FLOOR, PINNACLE BUSINESS PARK,
SHANTI NAGAR, MAHAKALI CAVES ROAD,
ANDHERI EAST, MUMBAI - 400 093.

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to dispense with the production / filing of the original of the
Impugned order passed by the 2nd respondent vide F.No.434/ 04/ 2018-

Cus- IV dated 06.02.2019 for the purpose of filing the present writ petition (in WMP.No.17119/19) in WP.No.17679/19 and;

(ii) to dispense with the production/filing of the original of the Impugned Order passed by the 2nd respondent vide F.No:434/04/2018 Cus IV dated 06.02.2019, for the purpose of filing the present writ petition (in WMP.17125/19) and WP.No.17685/19 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.P.GIRIDHARAN, Advocate for the petitioner in both the petitions and of M/S.K.RAMANAMOORTHY Central Government Standing Counsel for 1st respondent in both the petitions and M/S.A.P.SRINIVAS Senior Standing Counsel for 2 & 3 respondents in both the petitions the court made the following order:-

These two Writ Miscellaneous Petitions have been filed with prayers for dispensing with production/filing of the original impugned order/proceedings of the second respondent.

2. Mr.P.Giridharan, learned counsel on record for writ petitioner in both writ petitions herein draws the attention of this Court to paragraphs 3 and 4 of the affidavits filed in support of the instant dispense with petitions.

3. Reasons for dispense with prayers which have been articulated in paragraphs 3 and 4 of the affidavits filed in support of the instant dispense with petitions, read as follows:

'3.It is submitted that the affidavit filed by the petitioner along with the writ petition may be treated as part and parcel of this present affidavit.

4.It is submitted that the petitioner has not been served with the original copy of the impugned order as the 2nd respondent sent a letter to the petitioner dated 15.03.2019 enclosing the copy of minutes of IMC Meeting (Impugned Order) passed by the 2nd respondent vide F.No:434/04/2018-Cus IV dated 06.02.2019 and therefore, the petitioner is constrained to file a photocopy of the impugned order sent by the 2nd respondent. I state that the failure of the petitioner to obtain the original copy of the Minutes of the IMC Meeting is neither wilful nor wanton. For the reasons states hereinabove, it is prayed that this Hon'ble court may be pleased to dispense with the production of the original copy of the impugned order and thus render justice.'

4. In the light of the aforesaid reasons, production of original impugned orders are dispensed with for the present.

5. These two Writ Miscellaneous Petitions are ordered.

-sd/-
26/06/2019
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 UNION OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY,
INFRASTRUCTURE DIVISION, DEPARTMENT OF
COMMERCE, UDYOG BHAVAN, NEW DELHI - 110 011,
REP. BY ITS UNDER SECRETARY.

2 GOVERNMENT OF INDIA,
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE,
(CENTRAL BOARD OF INDIRECT TAXES AND
CUSTOMS), ROOM NO.227-B, NORTH BLOCK, NEW
DELHI - 110 001, REP.BY I

3 THE COMMISSIONER OF CUSTOMS,
COMMISSIONERATE VIII, CUSTOMS HOUSE, NO.60,
RAJAJI SALAI, CHENNAI - 600 001.

C.C. to M/S.A.P.SRINIVA Advocate SR.No.8032

The Government Advocate, High Court, Madras - 104.

सत्यमेव जयते Order

in
WMP.NOS.17119 AND 17125 OF 2019
IN WP.NOS.17679 AND 17685 OF 2019
Date :26/06/2019

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