

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

WP.No.29617 of 2018
and WMP.No.34587 of 2018

M/s.BE Office Automation Product (P) Ltd.,
10 A, Gangyol Industrial Area,
Phase 3, Jammu - 180,
Chennai - 600 010, India,
By its Director R.B.Yadav ... Petitioner

Vs.

- 1.The Commissioner of Customs,
Chennai II Commissionerate,
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 2.The Joint/Addl. Commissioner of Customs (Gr.5),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to assess and clear the goods under import, viz., 108 units of Old & Used Digital Multifunction Print & Copying Machines, covered under Bill of Entry No.7917595 dated 05.09.2018 upon the payment of applicable duties of customs as determined by the Chartered Engineer vide its report dated 14.09.2018 and in terms of the judgment rendered by the Hon'ble Division Bench of the High Court of Andhra Pradesh and Telangana at Hyderabad vide order dated 06.04.2018 in W.P.No.2728/2018, which order came to be accepted by the Central Board of Indirect Tax & Customs, Newdelhi, vide their communication letter dated 14.06.2018, deciding not to file SLP before the Hon'ble Apex Court as against the said order and also by considering the petitioner's representation dated 26.09.2018.

For Petitioner : Mr.N.Viswanathan

For Respondents : Mr.S.Rajasekar
Standing Counsel

O R D E R

Admittedly the petitioner has challenged the Foreign Trade Policy by way of writ of Declaration that is pending before the Division Bench. No interim orders have been sought for there.

2. In the meantime, the present writ petition has been filed seeking a Mandamus, directing the respondents to assess and clear the goods under import.

3. There have been several interim orders passed by Division Benches of this Court that have been seized of the matter at various stages. Final orders have been passed on 25.04.2019 in a batch of writ petitions in WA.No.1215 of 2019 directing proceedings for adjudication to be conducted on merits and in accordance with law.

4. I hence allow this writ petition fixing a period of three (3) months from date of receipt of a copy of this order for the respondents to conduct adjudication with the full co-operation of the petitioner and conclude the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Customs,
Chennai II Commissionerate,
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
2. The Joint/Addl. Commissioner of Customs (Gr.5),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.

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srg 22/07/2020