

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)
Friday, the Nineteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH

WP(MD) No.5388 of 2019

M/S.R.C.IMPEX,
REP.BY ITS PROPRIETOR
S.CHELLAPPA

... PETITIONER

Vs

1 UNION OF INDIA,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
THROUGH THE SECRETARY,
NORTH BLOCK, NEW DELHI-110 001

2 THE CHAIRMAN,
CENTRAL BOARD OF INDIRECT TAXES & CUSTOMS,
NORTH BLOCK, NEW DELHI-110 001

3 THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN-628 004

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the respondents herein to allow clearance of the goods viz., 280 MTS., viz., 5600 Bags of Ordinary Portland Cement, Grade 53, shipped vide Bill of lading No. MAX / KAR / 0824 / 1819, dated 11/02/2019, and 280 MTS., Viz 5600 Bags of Ordinary Portland Cement, Grade 53, shipped vide Bill of Lading No. HDMUKNIU0203219, dated 15/02/2019, applying the Tariff Rate of Duty as per customs Tariff Heading No.2523 for Cement without insisting the increased Rate of Duty as per Notification No.05/2019- Customs, dated 16.02.2019, for the subject goods which was shipped on 11.02.2019 and 15.02.2019.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.K.JAYARAJ, Advocate for the petitioner, the court made the following order:-

Despite more than half a dozen opportunities having been extended to the first respondent to file counter, even today, learned counsel only seeks more time.

2. Learned counsel further states that no co-operation has been extended by the officials and despite several requests from him, no parawise remarks have been forwarded by them. As a last chance, list this matter on 29.07.2019. Counter be filed by then

3. Pleadings as far as the second and third respondents are concerned, are complete.

sd/-
19/07/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY,
UNION OF INDIA,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NORTH BLOCK, NEW DELHI-110 001
- 2 THE CHAIRMAN,
CENTRAL BOARD OF INDIRECT TAXES & CUSTOMS,
NORTH BLOCK, NEW DELHI-110 001
- 3 THE COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN-628 004

+1CC TO Mr.K.BAALASUNDHARAM, Advocate, Sr No.12009

ORDER
IN
WP (MD) No.5388 of 2019
Date :19/07/2019

MS/PN/SAR-2/23.07.2019/2P.5C

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