

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2020

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.Nos.14380 & 14381 of 2012

and

M.P.Nos.1 & 2 of 2012

M/s.Kedia Clothing Company,
Rep. by its Partner Mr.Anup Kedia,
Now having office at
401, Raj Kailash,
V.P.Road, Andheri (West),
Mumbai - 400 058.

... Petitioner

in both writ petitions

Vs.

The Assistant Commissioner
of Customs (EPCG)
Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.

... Respondent

in both writ petitions

Prayer in W.P.No.14380 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the Detention Notice dated 22.05.2012 in F.No. S.45/150/2000-EPCG of the Respondent and quash the same.

Prayer in W.P.No.14381 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the impugned Order-in-Original No.15355/2011 dated 18.03.2011 in F.No. S.45/150/2000-EPCG of the Respondent and quash the same.

For Petitioner : Mr.Hari Radhakrishnan
in both writ petitions

For Respondent : Mr.S.Rajasekar
Standing Counsel
in both writ petitions

C O M M O N O R D E R

According to the petitioner, they are carrying on the business of manufacture and export of garments. During the course of such business, they had imported certain capital goods under Export Promotion Capital Goods Scheme, vide EPCG Licence dated 17.02.2000, by availing exemption on the condition that they would meet with the export obligation within the stipulated time prescribed by the Licencing authority. To that effect, the petitioner had executed a bond binding themselves to pay the duty leviable on demand, in case of failure to fulfill the export obligation. Even after the expiry of the stipulated period, the petitioner did not produce the Export Obligation Discharge Certificate. Hence, the respondent issued a notice dated 25.11.2010, demanding customs duty with applicable rate of interest. After enquiry, the respondent passed the Order-in-Original dated 18.03.2011, directing the petitioner to pay the duty amount of Rs.79,56,592/- along with applicable rate of interest. Since the petitioner did not pay the amount as stated in the Order-in-Original, the respondent issued a notice dated 22.05.2012, detaining and selling the goods belonging to the petitioner all over India. Aggrieved over the said Order-in-Original and consequential detention notice, the petitioner has come up with these writ petitions.

2.Today, when the matter was taken up for consideration, the learned counsel for the petitioner restricted the relief sought for herein to the effect that the petitioner may be permitted to submit the redemption certificate, which is already stated to be produced, to the respondent, which has also been agreed upon by the learned standing counsel for the respondent.

3.Considering the limited nature of the relief now sought for by the learned counsel for the petitioner, which has been countenanced by the learned Standing Counsel appearing for the respondent, this Court permits the petitioner to submit the required redemption certificate to the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent shall consider the same and pass appropriate orders, in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter.

4.With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

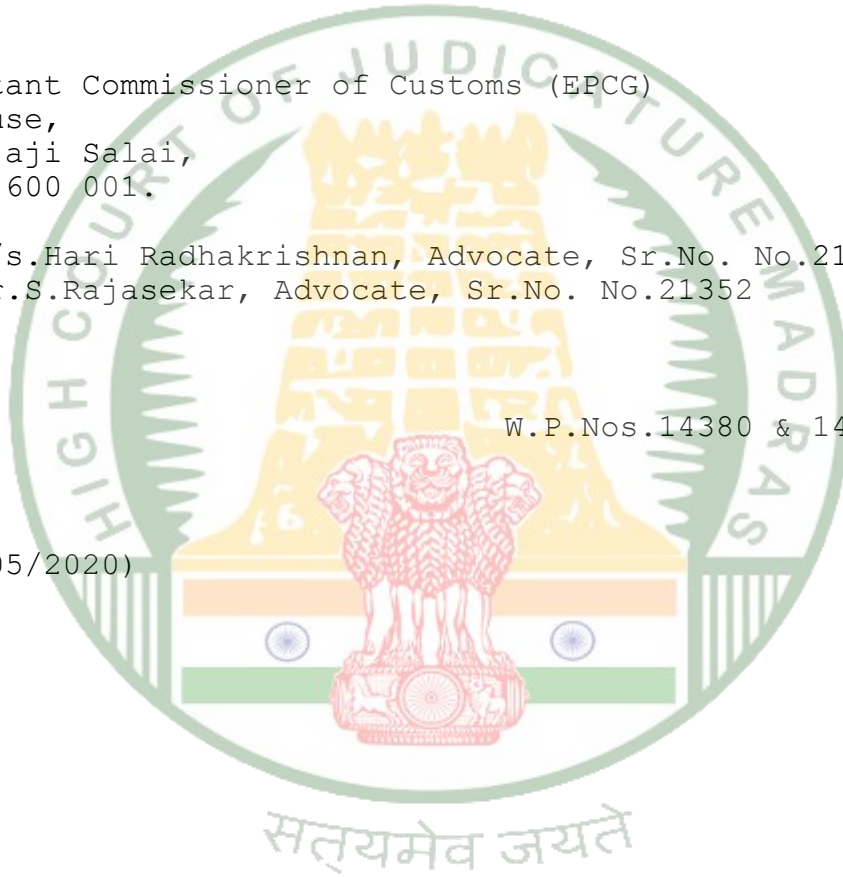
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To
The Assistant Commissioner of Customs (EPCG)
Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.

+1cc to M/s.Hari Radhakrishnan, Advocate, Sr.No. No.21469
+1cc to Mr.S.Rajasekar, Advocate, Sr.No. No.21352

W.P.Nos.14380 & 14381 of 2012

BR(CO)
VSI-2(26/05/2020)



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