

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.23746 of 2005

M/s.Transasia Bio-Medicals Ltd.
Rep. by its Vice - President - Legal
& Company Secretary,
Mr.Ravindra B Yevle
Transasia House
No.8, Chandavali Studio Road
Mumbai 400 072

... Petitioner

Vs.

1.The Union of India Rep. by
its Secretary, Ministry of Finance
North Block
New Delhi 1

2.The Dy. Commissioner of Customs
Gr.5C, Sea Cargo
Customs House
33 Rajaji Salai
Chennai 600 001

.... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issuance of writ of Mandamus to direct the 1st respondent to delete the Tariff Entry No.902780 90 from the Notification No.24/2005-Cus. Dated 01.03.2005.

For Petitioner
For Respondents

: Mr.S.S.Radhakrishnan
: Mr.Pramod Kumar Chopra

ORDER

Seeking a direction to the 1st respondent to delete the Tariff Entry No.902780 90 from the Notification No.24/2005-Cus. Dated 01.03.2005, the petitioner has come up with this writ petition.

2.When the matter was taken up for consideration, the learned counsel on either side submitted that the issue involved in this writ petition is settled by the order of this Court

dated 18.06.2019 passed in W.P.No.10985 of 2005, which reads as follows;

"The petitioner herein has filed the miscellaneous petition in W.M.P.No.5591 of 2019 to amend the prayer in the writ petition from the writ of Mandamus to Writ of Declaration, to declare that the Notification No.24/2005-Cus dated 01.03.2005 in ultra vires the provisions of the Customs Act, 1962, - instead of Writ of Mandamus, directing the 1st respondent to delete the Tariff Entry No.902780 from the Notification No.24/2005 Cus. dated 01.03.2005.

2.In my view, the prayer sought for in the miscellaneous petition requires to be meted out with appropriate grounds and the respondent herein should also be given an opportunity to put forth their objections by way of a counter affidavit. At this stage of final disposal of the writ petition, such an amendment cannot be sought for. If at all, the petitioner is of the view that the writ of declaration can be maintained, it is always open to them to work out their remedies in accordance with law.

3.In view of the above, the miscellaneous petition stands dismissed. Consequently, since the petitioner expressed his views to file a writ of Declaration, consideration of the relief sought for in the present writ petition does not require consideration. Hence, the writ petition stands closed. No costs."

3.Following the aforesaid decision, this writ petition does not require any consideration and hence, the same is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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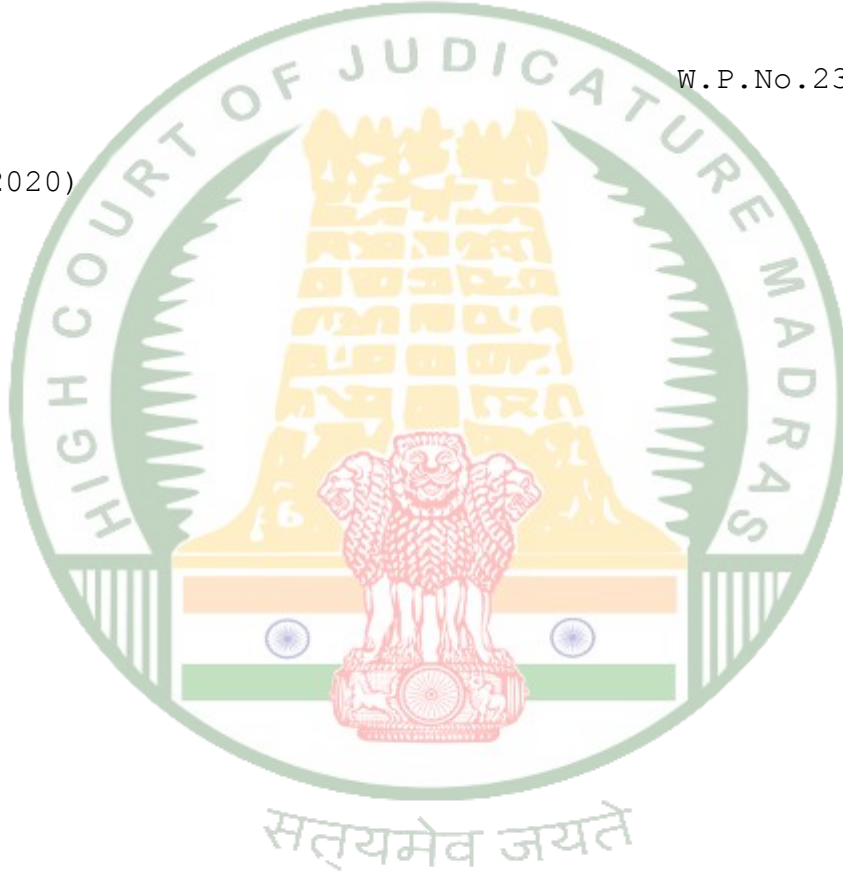
To

1.The Secretary,
Union of India,
Ministry of Finance
North Block, New Delhi 1.

2.The Dy. Commissioner of Customs
Gr.5C, Sea Cargo
Customs House
33 Rajaji Salai
Chennai 600 001.

W.P.No.23746 of 2005

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