

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 19697 of 2013
and M.P. No. 1 of 2013

M/s. Eximcorp India Pvt. Ltd.,
Represented by its Authorised Signatory,
Park Towers, 11 (24),
Anna Nagar, X Block,
Flat No.C, 1st Floor,
Behind Tower Park,
Chennai - 600 040.

... Petitioner

Vs.

1. The Deputy Director,
Department of Agriculture & Co-operation,
Government of India,
Directorate of Plant Protection,
Quarantine & Storage,
Regional Plant Quarantine Station,
GST Road, Meenambakkam,
Chennai - 600 027.

2. The Assistant Commissioner of Customs,
Office of the Commissioner of Customs,
Customs House, Chennai - 600 001.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order no.8-15/2009-PP, II, dated 24.07.2013 read with corrigendum dated 01.08.2013, passed by the First Respondent to quash the same and direct the First and Second Respondents to consider the date of bill of lading as the relevant date for determining the validity of the import permit issued to the Petitioner for import of Timber, instead of the date of filing of Bill of entry.

(Prayer amended as per order dated 09.07.2018 by SMSJ in MP.No.2 of 2013 in WP.No.19697 of 2013)

For Petitioner : Mr. A.R. Ramanathan
For R1 : Mr. K. Mohanamurali
Senior Panel Counsel
For R2 : Mr. K. Mahesh
Junior Standing Counsel

ORDER

This writ petition has been filed by the Petitioner seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order no.8-15/2009-PP, II, dated 24.07.2013 read with corrigendum dated 01.08.2013, passed by the First Respondent to quash the same and direct the First and Second Respondents to consider the date of bill of lading as the relevant date for determining the validity of the import permit issued to the Petitioner for import of Timber, instead of the date of filing of Bill of entry.

2. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents.

3. The learned counsel for the Petitioner submits that the imported consignments arrived India on 25.06.2013 and the bill of entry was filed by the Petitioner on 06.07.2013 for clearing the imported goods namely Spruce (Timber or Lumber or Sawn or Wood without bark).

4. The import permit was issued to the Petitioner on 18.12.2012 and was valid for the period of six months up to 17.06.2013. By the time, the Petitioner filed the bills of entry on 06.07.2013, the validity period as per import permit dated 18.12.2012 had already expired. In fact, the goods arrived in India on 25.06.2013 after the permit had already expired on 17.06.2013.

5. Since the goods have already been released, I am of the view, the Present Writ Petition deserves no attention and therefore the Writ Petition is liable to be dismissed. At the same time in case similar issue arises in respect of future imports, the Petitioner may workout its remedy in accordance with law as and when such a cause of action arises.

6. This Writ Petition is dismissed with liberty to restore the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

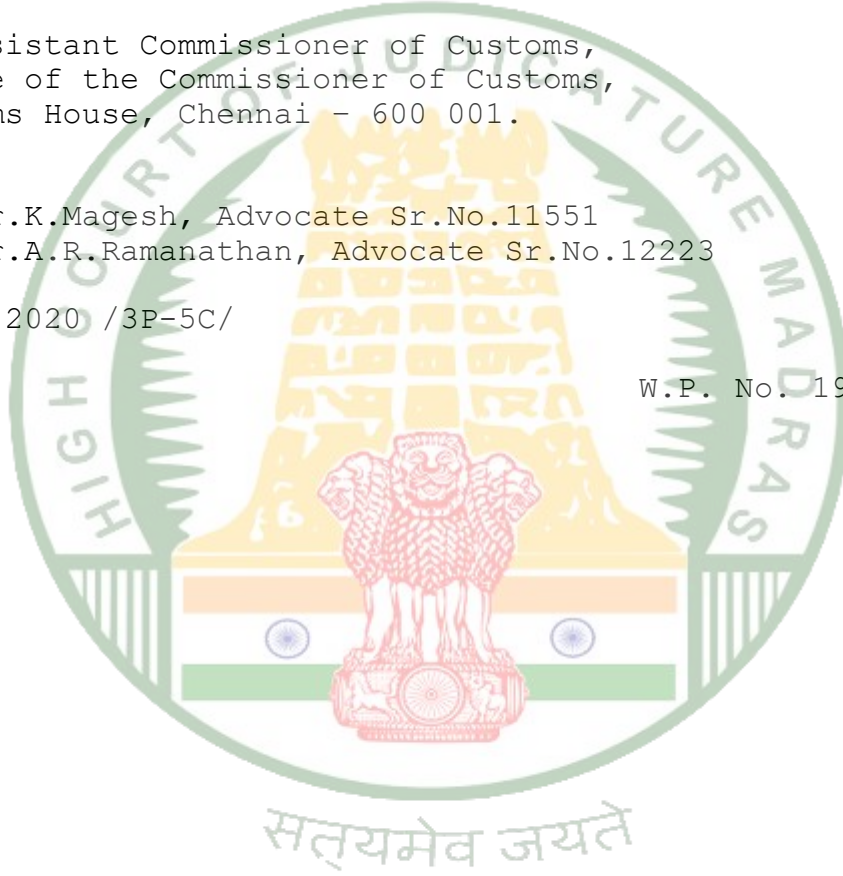
To

1. The Deputy Director,
Department of Agriculture & Co-operation,
Government of India,
Directorate of Plant Protection,
Quarantine & Storage,
Regional Plant Quarantine Station,
GST Road, Meenambakkam,
Chennai - 600 027.
2. The Assistant Commissioner of Customs,
Office of the Commissioner of Customs,
Customs House, Chennai - 600 001.

+1cc to Mr.K.Magesh, Advocate Sr.No.11551
+1cc to Mr.A.R.Ramanathan, Advocate Sr.No.12223

AKM/19.03.2020 /3P-5C/

W.P. No. 19697 of 2013



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