

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.3904 of 2020

and

WMP. Nos.4632 & 4635 of 2020

R.K.INDUSTRIES

Rep. by its Authorized Singnatory A7 and 8

TVK Industrial Estate Guindy Chennai 600 032.

... Petitioner

Vs.

1 The Commissioner of Customs

Chennai IV Customs House

No. 60 Rajaji Salai Chennai 600 001

2 The Deputy Commissioner

Customs - DEEC Section EODC Customs House

No 60 Rajaji Salai Chennai 600 001

3 The Director General of Foreign Trade (DGFT)

Udyog Bhavan H Wing, Gate No.2,

Moulana Azad Road, New Delhi-11.

Also at Shastri Bhavan, Haddows Road,

Nungambakkam, Chennai.

.. Respondents

(R3 Suo motu impleaded as per order dated 19.2.2020

made in WP.3904/2020 by this Court)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorari to call for the records relating to the order dated 19.12.2019 of the 1st respondent in F.No. S45 / 4830 / 2004-DEEC - EODC - CH-IV, quash the same.

For Petitioner :Mr. R.Saravanakumar
For Respondents:Mr.T.R.Senthil Kumar,
Senior Standing Counsel - R1 & R2
Mr. V.Chandrasekaran
Senior Panel Counsel - R3

O R D E R

In the light of the redemption letter dated 05.08.2020 issued by the Director General of Foreign Trade, extracted below, Mr.T.R.Senthil Kumar, learned Senior Standing Counsel for R1 and R2 would state that the impugned order is liable to be set aside.

Government of India
Ministry of Commerce and Industries
O/o Additional Director General of Foreign Trade
4th Floor, Shastri Bhawan Annexe, 26, Haddows Road.
Chennai Tamilnadu -600006

REDEMPTION LETTER

TO,
M/s. R.K.INDUSTRIES,
NO.15, RACE COURSE ROAD,
GUINDY
CHENNAI, TAMIL NADU-600032

SUBJECT: REDEMPTION LETTER in respect of Advance
Authorisation NO. 0410063283 DATED: 21.10.2004

This REDEMPTION Sheet is issued against the Authorisation No : 0410063283 Dated: 21.10.2004 issued by this office. The Custom Authorities and Licencee are requested not to make any endorsement on this Sheet.

The FOB Value of Licence fixed/realised to be read as Rs. 60,752,704.18 / 93,290,055.00 and Foreign Currency as. 1,327,987.96 / 2,137,017.00 (US Dollars)

The CIF Value of Licence Issued/Utilised to be read as Rs. 45,150,550.68 / 40,875,142.00 and Foreign Currency as. 979,404.57/891,228.00 (US Dollars)

Export Obligation met in full value as well as in quantity term, in proportion to import made. Consequently, the case has been redeemed in terms of Para 4.26/4.28 of HBP 2004-2009 / Para 4.26/4.28 of HBP 2009-2014 / Para 4.47/4.49 of HBP 2015-2020.

This EO Discharge / Redemption Certificate is issued without prejudice and will not preclude Custom Authority to take action against the licensee at any stage, in case any sort of misdeclaration, misrepresentation or misuse of the scheme is noticed.

Place: Chennai (FTDO / Asst DGFT (E COMMERCE))
Date: 05.08.2020

ADDITIONAL SHEET ATTACHED TO Authorisation
No. 0410063283 Dated: 21.10.2004 FOR REDEMPTION Dated:
27.01.2020 (Issued from Fit No. Dated:
05.10.2004)

Issued from File Number 04/81/165/00240/AM10/ dated
21.10.2004

Copy To : 1. Commissioner customs, (INMAAI) Chennai
Sea.

Place: Chennai (FTDO / Asst DGFT (E COMMERCE))
Date: 05.08.2020

2. Recording the above, the impugned order is set aside and this Writ Petition allowed. No costs. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

S1

To

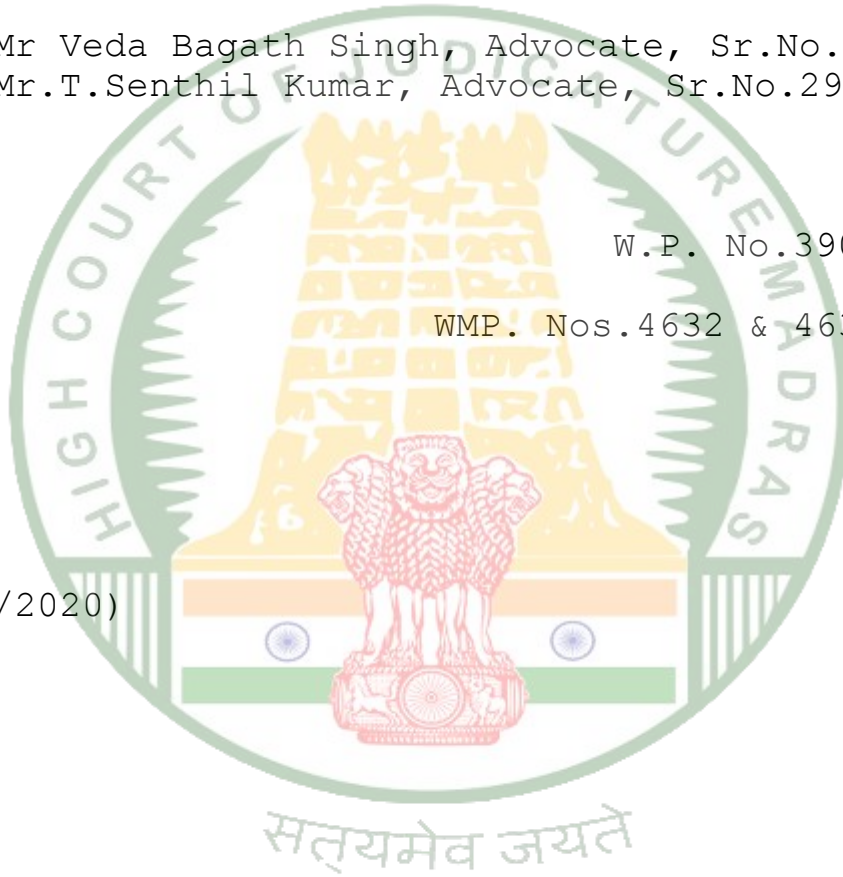
1 The Commissioner of Customs
Chennai IV Customs House
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- 2 The Deputy Commissioner
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Moulana Azad Road, New Delhi-11.
Also at Shastri Bhavan, Haddows Road,
Nungambakkam, Chennai.

+1cc to Mr Veda Bagath Singh, Advocate, Sr.No.29544
+1cc to Mr.T.Senthil Kumar, Advocate, Sr.No.29576

W.P. No.3904 of 2020
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MG (CO)
GS (19/10/2020)



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