

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 29842 and 29900 of 2011
and
M.P. Nos. 1 and 2 of 2011

M/s. Big Bag International Pvt. Ltd.,
Rep. by its Chief Executive Officer,
Mr. Ravish B. Kamath,
No. 61, Nadakerappa Industrial Estate,
Andrahalli Main Road,
Near Peenya II State,
Vishwaneedam Post,
Bangalore - 560 091. ... Petitioner in both W.P.s

-vs-

1. Central Board of Excise and Customs,
Represented by its Chairman,
Government of India, Ministry of Finance,
Department of Revenue,
159A, North Block,
New Delhi - 110 001.
2. The Assistant Commissioner of Customs,
Custom House,
No. 60, Rajaji Salai,
Chennai - 600 001. ... Respondents in both W.P.s

Prayer in W.P. No. 29842 of 2011:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the impugned letter bearing Ref. F. No. S. Mic70//2011-DFIA dated 23.02.2011 of the Second Respondent.

Prayer in W.P. No. 29900 of 2011:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the impugned Circular No. 6/2011-Cus dated 18.01.2011 of the First Respondent as ultra vires the Foreign Trade (Development) Act, 1992, the Foreign Trade Policy and relevant Hand Book of Procedure, the Customs Act, 1962, Notification No. 40/2005-Cus dated 01.05.2006 and Articles 14, 19, 21 and 265 of the Constitution of India to the extent it seeks to impose additional condition on Star Export Houses like the Petitioner to furnish/execute bank guarantee on imports under the Duty Free Import Authorization

Scheme.

For Petitioner :Mr. R.Anish Kumar (in both W.P.s)

For Respondents:Mr. A.P.Srinivas,
Senior Standing Counsel
(in both W.P.s)

C O M M O N O R D E R
(through video conference)

Heard Mr. R.Anish Kumar, Learned Counsel for the Petitioner and Mr. A.P.Srinivas, Learned Senior Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has in W.P. No. 29900 of 2011 challenged the Circular No. 6/2011-Customs dated 18.01.2011 issued by the First Respondent requiring execution of bank guarantee in respect of Advance Authorization/Duty Free Import Authorization (DFIA)/Export Promotion Capital Goods (EPCG) Schemes, and in W.P. No. 29842 of 2014 has challenged the letter in F. No. S. Misc. 70/2011-DFIA dated 23.02.2011 issued by the Second Respondent requiring the Petitioner to furnish bank guarantee in temrs of the aforesaid circular issued by the First Respondent.

3. It is represented by the Learned Counsel for the Petitioner that in view of the passage of time, the Petitioner is not pressing these Writ Petitions and reserves its right to challenge the requirement to furnish bank guarantee if such occasion arises in future. He has also filed a memo dated 02.11.2020 to that effect through e-mail, which has been placed on record.

4. Accordingly, the Writ Petitions are dismissed as not pressed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dm/vjt

To

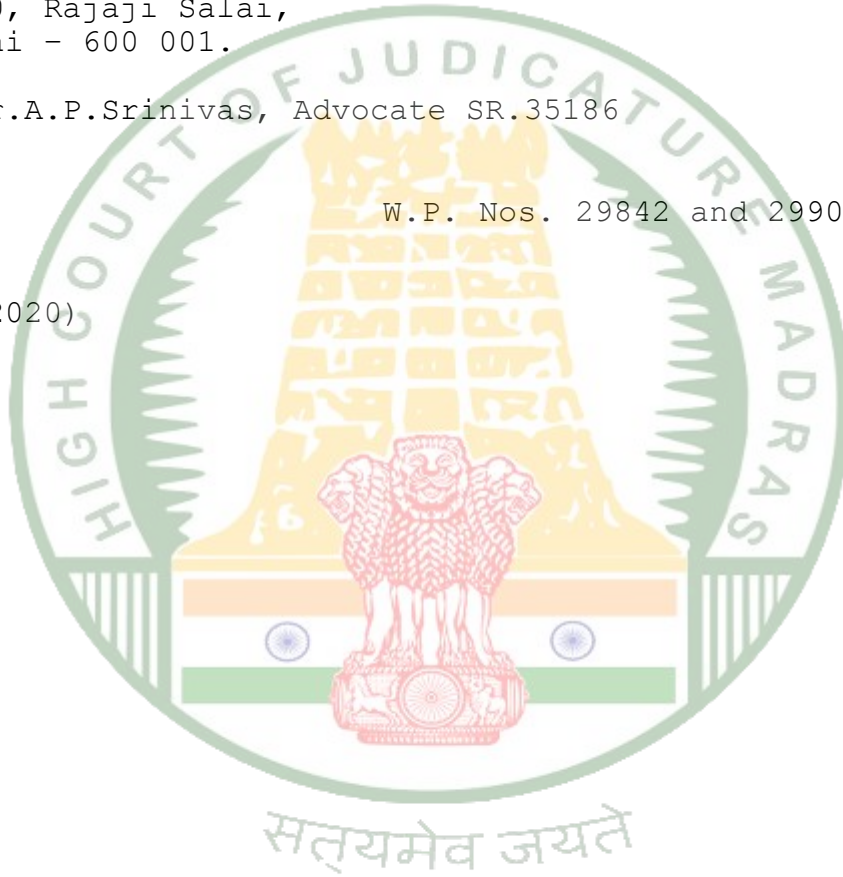
1. The Chairman,
Central Board of Excise and Customs,
Government of India, Ministry of Finance,
Department of Revenue,
159A, North Block,
New Delhi - 110 001.

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

+1cc to Mr.A.P.Srinivas, Advocate SR.35186

W.P. Nos. 29842 and 29900 of 2011

RLD(CO)
CB(11/11/2020)



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