

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

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

W.P. No. 6780 of 2018

R.Suresh Krishnan, Partner
M/s. Mars Shipping Services
Old No.259, New No.144, Third Floor
Thambu Chetty Street
Chennai - 600 001.

... Petitioner

-vs-

The Principal Commissioner of Customs
Chennai VII Commissionerate
New Custom House
Meenambakkam, Chennai – 600 027.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records comprised in Order in Original No.373/2016-AIR dated 20.05.2016 passed by the respondent herein and to quash the same.

For Petitioner : Mr. S.Baskaran

For Respondent : Mr. A.P.Srinivas, Senior Standing Counsel

ORDER
(through video conference)

Heard Mr. S.Baskaran, Learned Counsel for the Petitioner and Mr. A.P.Srinivas, Learned Senior Standing Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out by Learned Senior Standing Counsel appearing for the Respondent that the Petitioner has got an effective alternative remedy to challenge the impugned order by way of appeal before the Customs Excise and Service Tax Appellate Tribunal under Section 129-A(3) of the Customs Act, 1962, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also filed a memo dated 30.11.2020 to that effect through e-mail, which is placed on record.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 26.08.2016, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

Maya

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30.11.2020

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Index: Yes/No

Note: (i) Issue order copy by 07.12.2020.

(ii) Registry is directed to return the original copy of the impugned order to the Petitioner under written acknowledgment after retaining a copy of the same for record.

To

The Principal Commissioner of Customs
Chennai VII Commissionerate
New Custom House, Meenambakkam, Chennai – 600 027.



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P.D. AUDIKESAVALU, J.

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