

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.7677 & 7680 of 2020

M/s.Gravity Ventures
Represented by its Proprietor
S.U.Sirajdeen

... Petitioner
in both writ petitions

Vs

The Assistant Commissioner of Customs (Group 3)
Chennai II Commissionerate
Custom House
No.60, Rajaji Salai,
Chennai-600 001.

... Respondent
in both writ petitions

Prayer in both Writ Petitions:

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to issue detention certificate recommending waiver of demurrage and detention charges in terms of Regulation 6(1)(1) of the Handling of Cargo in Customs Areas Regulations 2009 and in view of Ministry of Shipping Order No.PD-14033/4/2020-PD VII dated 21.04.2020 and instructions dated 24.04.2020 issued by Commissioner of Customs, Chennai IV Commissionerate in F.No.S.Misc.103/2019-Docks Admin.

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to forthwith assess and clear the goods covered by bill of entry No.6929147 dated 18.02.2020 and bill of entry No.7384974 dated 02.04.2020.

For Petitioner in both WPs : Mr.Hari Radhakrishnan
For Respondent in both WPs : Mrs.R.Hemalatha
standing counsel

COMMON ORDER

This matter is taken up for hearing through Video-Conferencing mode.

2. Both these writ petitions are filed seeking for the following reliefs:

(a) Directing the respondent to issue detention certificate recommending waiver of demurrage and detention charges in terms of Regulation 6(1)(1) of the Handling of Cargo in Customs Areas Regulations 2009 and in view of Ministry of Shipping Order No.PD-14033/4/2020-PD VII dated 21.04.2020 and instructions dated 24.04.2020 issued by Commissioner of Customs, Chennai IV Commissionerate in F.No.S.Misc.103/2019-Docks Admin.

(b) Directing the respondent to forthwith assess and clear the goods

covered by bill of entry No.6929147 dated 18.02.2020 and bill of entry No.7384974 dated 02.04.2020.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

4. It is stated that the petitioner had imported the goods described as "non-woven interlining chemical bond/doubt dot/embroidery paper" and filed bill of entry No.6929147 dated 18.02.2020. The petitioner classified the goods under Customs Tariff Heading 5603 9100, which covers other non-wovens. The non-woven interlining embroidery paper was classified under CTH 5603 9200. It is further stated that the petitioner had claimed the benefit of Customs Exemption Notification No.46/2011 dated 01.06.2011. It is stated that the Customs Department informed the petitioner on 19.03.2020 that the investigation report in respect of the subject bill of entry has been forwarded to the respondent herein and that the petitioner can make all further correspondence with the respondent. It is further stated that though the petitioner made repeated request for assessing

the goods, the respondent has not made such assessment so far. The petitioner also seeks for a direction to the respondent to issue detention certificate recommending waiver of demurrage and detention charges in terms of Regulation 6(1)(1) of the Handling of Cargo in Customs Areas Regulations 2009 and in view of Ministry of Shipping Order No.PD-14033/4/2020-PD VII dated 21.04.2020 and instructions dated 24.04.2020 issued by Commissioner of Customs, Chennai IV. Since both the request of the petitioner were not considered, the above writ petitions are filed before this Court.

5. The learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the duty levied by the Customs for release of the goods by making provisional assessment and therefore, the respondent may be directed to consider such request.

6. The learned standing counsel appearing for the respondent submitted that the respondent will pass provisional order of assessment within a period of three weeks and also consider the request of the petitioner

for issuing detention certificate.

7. As the learned standing counsel for the respondent has now come out with the above proposal, this Court is of the view that both these writ petitions can be disposed of, without expressing any view on the merits of the claim made by the respective parties.

8. Accordingly, both these Writ Petitions are disposed of, with the following directions:

(a) The respondent shall consider the request of the petitioner for provisional assessment and pass such order, within a period of three weeks from the date of receipt of a copy of this order.

(b) The respondent shall also consider the request of the petitioner for issuing detention certificate and pass orders on such request within a period of three weeks from the date of receipt of a

copy of this order.

(c) The petitioner shall co-operate with the respondent by producing all necessary documents to the respondent to comply with the above said order within the time stipulated herein.

No costs. Consequently, connected miscellaneous petition is closed.

27.05.2020

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Speaking/Non-speaking
Internet: Yes/No
Index : Yes/No

To
The Assistant Commissioner of Customs (Group 3)
Chennai II Commissionerate
Custom House
No.60, Rajaji Salai,
Chennai-600 001.

K.RAVICHANDRABAABU.J.,



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