

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2020
CORAM
THE HON'BLE MR. JUSTICE C. SARAVANAN
W.P. No. 5523 of 2015

R. Mahaveer Pipada

... Petitioner

-vs-

The Joint Commissioner of Customs
(Adjudication-AIR)
O/o. The Principal Commissioner of
Customs Commissionrate
Chennai-1 (Airport)
New Customs 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 of the impugned order in order in original No. 95/17/02/2015 dated 17.02.2015 of the respondent and to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr. N. Muralikumaran
For Respondent : Mr. S.Rajasekar
Standing Counsel

O R D E R

The petitioner has challenged the impugned order in order originally passed by the Joint Commissioner of Customs (Adjudication-AIR) in the order in original No. 95/17/02/2015, dated 17.02.2015. The same order was challenged by the main noticee in W.P. No. 10813/2015. The said writ petition came to be disposed on 19.08.2019, with the following observation:

"6. This Court is of the view that if an opportunity is granted to the petitioner to substantiate his claim before the original authorities by taking a lenient view, the ends of justice would be met. As such without going into the merits of the case or any of the other grounds raised by the petitioner, the order in original dated 17.02.2015 is set aside and the matter is remanded back to the respondent herein for fresh consideration. The petitioner is at liberty to

file his objections within a period of 30 days from the date of receipt of a copy of this order and the respondent herein shall consider and dispose of the objections as expeditiously as possible in any event within a period of three months thereafter."

2. As per the said order, as the respondent was directed to pass appropriate orders within a period of three months from the date of receipt of a copy of this order. However, due to pendency of the present writ petition, the respondent was unable to take up the proceedings. Since, order in original No. 95/17/02/2015, dated 17.02.2015 has already been set aside and is hereby disposed in the said order.

3. I am inclined to pass similar order in the present writ petition. Accordingly, the writ petition stands allowed in terms of the above order in W.P. No. 10816 of 2015, dated 19.08.2019. The respondent is directed to pass appropriate orders within a period of three months from the date of receipt of a copy of this order. The respondent shall permit the petitioner to file additional representation available before passing orders, the petitioner shall appear in person. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Joint Commissioner of Customs
(Adjudication-AIR)
O/o. The Principal Commissioner of
Customs Commissionrate
Chennai-1(Airport)
New Customs House,
Meenambakkam,
Chennai-600 027.

+1cc to M/s.R.Gopinath, Advocate sr.5471
+1cc to M/s.S.Rajasekar, Advocate sr.5529

W.P. No. 5523 of 2015

bp(co)
nr 06/03/2020

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