

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

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

W.P. No. 42644 of 2016
and
W.M.P.Nos. 36561 and 36562 of 2016

PT. South Pacific Viscose
Sampoerna Strategic Square
South Tower, 22nd Floor
Jalan Jenderal Sudirman Kav. 45-46
Jakarta 12930
Represented by its Power of Attorney
Holder Mr. Ravichandran Rangaraju

... Petitioner

-vs-

- 1.Union of India,
Ministry of Finance,
Through Under Secretary,
Department of Revenue,
North Block,
New Delhi - 110 001.
- 2.The Directorate General of
Anti-dumping & Allied Duties,
Additional Secretary and Designated Authority) having
their address
at Ministry of Commerce &
Industry, Udyog Bhavan,
New Delhi.
- 3.Commissioner of Customs, Chennai, Customs
House, Chennai, Tamil Nadu.
4. Association of Manmade Fibre
Industry of India, 5th Floor
Reshambhavan, 78,
Veer Nariman Road,
Mumbai-400 020.
[R4 impleaded as per order
dated 11.07.2017 in W.M.P.
No.17481 of 2017 in W.P.
No.42644 of 2016].

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the Second Respondent in the impugned Notification No.15/09/2015-DGAD dated 08.07.2016 and consequent Customs Notification No.43 of 2016-Customs (ADD) dated 08.08.2016 and quash the same.

For Petitioner : Mr. Karthik Sundaram

For Respondents: Mr. A.Kumaraguru (For R1 and R2)
Central Government Standing Counsel

Mr. S.R.Sundar (For R3)

Mr. Sathish Parasaran (For R4)
Senior Counsel For Mr. R.Parthasarathy

O R D E R
(through video conference)

Heard Mr. Karthik Sundaram, Learned Counsel for the Petitioner, Mr. A.Kumaraguru, Learned Central Government Standing Counsel appearing for the First and Second Respondents, Mr. S.R.Sundar, Learned Counsel for the Third Respondent, Mr. Sathish Parasaran, Learned Senior Counsel appearing for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner challenges the notification in File No.15/9/2015 - DGAD dated 08.07.2016 issued by the Second Respondent and consequent Customs Notification No.43/2016-Customs dated 08.08.2016 issued by the First Respondent.

3. When it is pointed out by Learned Counsel appearing for the First and Second Respondents 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 9-C of the Customs Tariff Act, 1975, 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 09.10.2020 to that effect through e-mail, which is placed on record.

4. The Writ Petition is dismissed as withdrawn granting such liberty. It is made clear for the purpose of reckoning limitation for availing aforesaid remedy, the period from the date of filing of this Writ Petition, viz., 30.11.2016, till the date on which certified copy of this order is made ready, shall

be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Msm

To

1. Union of India,
Ministry of Finance,
Through under Secretary,
Department of Revenue,
North Block,
New Delhi - 110 001.
2. The Directorate General of
Anti-dumping & Allied Duties,
Additional Secretary and the Designated Authority) having
their address
at Ministry of Commerce &
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3. Commissioner of Customs, Chennai, Customs
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Mumbai-400 020.

+1cc to Mr.Karthik Sundaram, Advocate, S.R.No. 33958

W.P. No. 42644 of 2016

AD(CO)
GN(04/11/2020)