

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.15685 of 2020

and

WMP. No.19529 of 2020

M/s.Aristo Shipping Services,
No 20 Narayanappa Street,
Room No 3 Ist floor Mannady,
Chennai-1 Rep by its Partner,
Mr.S.Lakshmipathy

...Pettitioner

Vs

- 1 The Principal Commissioner of Customs,
Chennai- VIII Commissionerate,
No.60, Rajaji Salai, Customs House,
Chennai-1.
- 2 The Assistant Commissioner of customs,
Inquiry officer Commissionerate IV,
No 60, Rajai Salai, Customs House,
Chennai-1.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to show cause Notice dated 30.8.2019 in F. NO R-32/2009-CHA- Case File issued by the 1st Respondent herein and to quash the same insofar as no further proceedings has been carried out in terms of regulation 17(5) and 17(7) of CBLR which mandates the Submission of inquiry report by the 2nd Respondent within 90 days from the date of issuance of Show cause notice and the further order to be passed by the 1st respondent Principal Commissioner within 90 days from the date of issuance of inquiry report by the 2nd Respondent and the non-compliance of the same vitiates further proceedings under the impugned show cause notice.

For Petitioner : Mr.S.Baskaran
For Respondents : Mr.K.S.Ramasamy,
Junior Standing Counsel

O R D E R

Learned counsel for the petitioner has filed a memo on behalf of the petitioner under cover of email dated 16.12.2020 seeking withdrawal of the Writ Petition. The memo reads as follows:

MEMO FILED ON BEHALF OF THE PETITIONER

It is respectfully submitted as under:

1. The above writ petition in W.P.No.15685 of 2020 was filed challenging the Show Cause Notice dated 30.08.2019 in F.No.R-32/2009-CHA-CASE FILE, issued by the 1st respondent herein and to quash the same, in so far as, no further proceedings has been carried out in terms of Regulation 17 (5) & 17(7) of CBLR, which mandates the submission of inquiry report by the 2nd respondent within 90 days from the date of issuance of Show Cause Notice and the further order to be passed by the 1st Respondent/Principal Commissioner within 90 days from the date of issuance of inquiry report by the 2nd Respondent and the non-compliance of the same vitiates further proceedings under the impugned show cause notice along with a stay petition in WMP no.19529 of 2020 for staying the operation of SCN.

2. It is respectfully submitted that since the 1st respondent had now adjudicated the said SCN vide his order dated 19.11.2020, giving a fresh cause of action to challenge the said order if the petitioner is so aggrieved and therefore this Hon'ble Court may be pleased to permit the petitioner to withdraw the said writ petition in W.P.No.15685 of 2020 and thus render justice

In view of the said submissions, it is respectfully prayed that this Hon'ble Court may be pleased to permit the petitioner to withdraw the said writ petition in W.P.No.15685 of 2020 on the file of this Hon'ble Court and thus render justice.

2. Recording the aforesaid memo, this writ petition is dismissed as withdrawn. Connected miscellaneous petition is closed. No costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

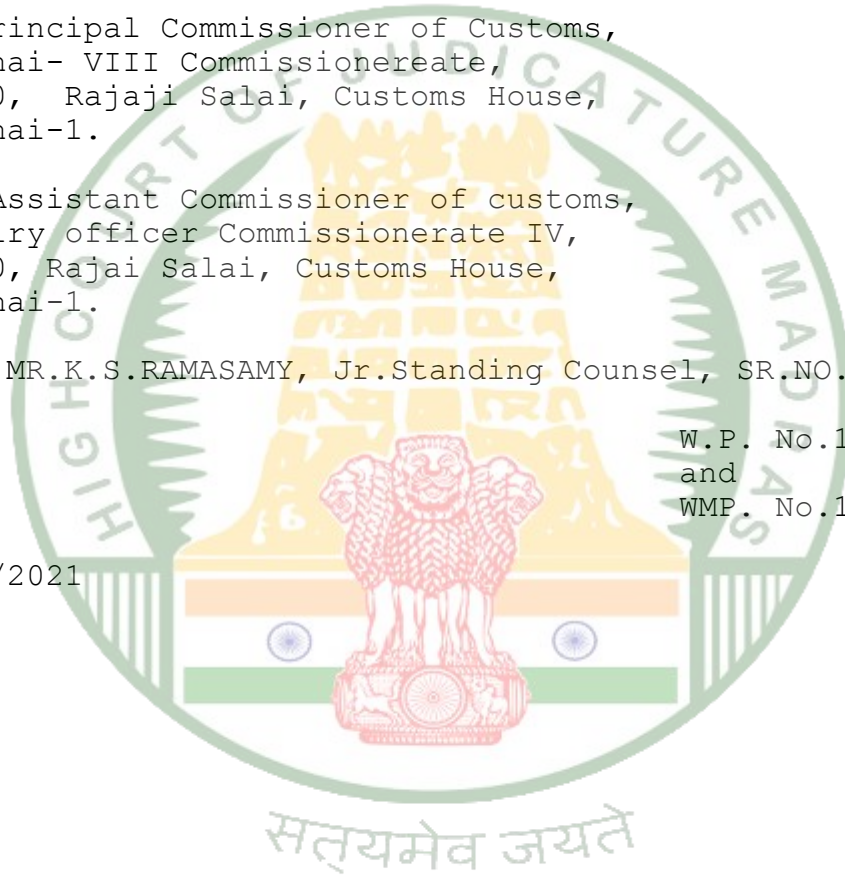
1 The Principal Commissioner of Customs,
Chennai- VIII Commissionerate,
No.60, Rajaji Salai, Customs House,
Chennai-1.

2 The Assistant Commissioner of customs,
Inquiry officer Commissionerate IV,
No 60, Rajai Salai, Customs House,
Chennai-1.

• 1 cc to MR.K.S.RAMASAMY, Jr.Standing Counsel, SR.NO. 41523

W.P. No.15685 of 2020
and
WMP. No.19529 of 2020

RR (CO)
RRI 21/01/2021



WEB COPY