

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.33991 & 33994 of 2019
and
WMP. Nos.34584, 34586 & 34579 of 2019

M/s.Southern Clearing and Forwarding Agencies Pvt. Ltd.
Old No.13 New No.25 II floor Krishnan Kovil Street
Mannady Chennai 600 001
Rep. By its Director Smt. J.Lakshmi

.. Petitioner in W.P. No.33991 of 2019

Smt. J.Lakshmi,
Director, M/s.Southern Clearing and Forwarding Agencies Pvt. Ltd.
Old No.13 New No.25 II floor Krishnan Kovil Street
Mannady Chennai 600 001

.. Petitioner in W.P. No.33994 of 2019

Vs.

The Joint Commissioner of Customs-II
O/o. The Commissioner of Customs
Chennai II Customs House
No. 60 Rajaji Salai Chennai 600 001.

.. Respondent in both WPs

Prayer in WP.No.33991 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorari to call for the records pertaining to Order in Original No.70604 / 2019 dated 28.09.2019 passed by the respondent herein and to quash the same to the extent of the penalty of Rs. 2 Lakhs imposed as against the petitioner company u/s. 112(a) of the Customs Act at para 50 (xx) of the impugned order as the said order have been passed without jurisdiction and in excess of the authority conferred on the respondent and against the provisions of law.

Prayer in WP.No.33994 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorari to call for the records pertaining to Order in Original No. 70604 / 2019 dated 28.09.2019 passed by the respondent herein and to

quash the same to the extent of the penalty of Rs. 1 Lakh imposed as against the petitioner company u/s. 112(a) of the Customs Act at para 50 (xix) of the impugned order as the said order have been passed without jurisdiction and in excess of the authority conferred on the respondent and against the provisions of law.

For Petitioner : Mr.S.Baskaran in both WPs
For Respondent : Mr.S.R.Sundar,
Senior Standing Counsel - R1
in both WPs.

COMMON ORDER

Learned counsel for the petitioner has filed a memo dated 08.09.2020 on behalf of the petitioner praying to withdraw these Writ Petitions with liberty to file appeals before the Commissioner of Customs (Appeals).

2. Acceding to the request, these Writ Petitions are dismissed as withdrawn. Liberty is granted to the petitioner to file appeals before the Commissioner of Customs (Appeals) within a period of two (2) weeks from date of uploading of this order. The period of pendency of the Writ Petitions before this Court will be excluded while calculating the period of limitation. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

S1

To

The Joint Commissioner of Customs-II
O/o. The Commissioner of Customs
Chennai II Customs House
No. 60 Rajaji Salai Chennai 600 001.
+lcc to Mr.S.R.Sundar, Advocate, sr no.29491

W.P. Nos.33991 & 33994 of 2019
and

WMP. Nos.34584, 34586 & 34579 of 2019

KS (CO)
RMP (09/10/2020)