



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)Nos.10513 & 10519 of 2020 and

W.M.P.(MD)Nos.9301 & 9304 of 2020

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M/s.Black Gold Technologies,

Rep. by its Proprietor Anuj Bansal

H.No.58, UP Block, Maurya Enclave, Pitampura,

Delhi - 110 034

Petitioner in both WPs

Vs

1.Union of India,

Rep. by its Secretary,

Ministry of Finance,

Department of Revenue, New Delhi.

2.The Commissioner of Customs,

Custom House, New Harbour Estate, Tuticorin - 628 004.

3.The Assistant Commissioner of Customs (SIIB),

Custom House, New Harbour Estate,

Tuticorin - 628 004.

Respondents in both WPs

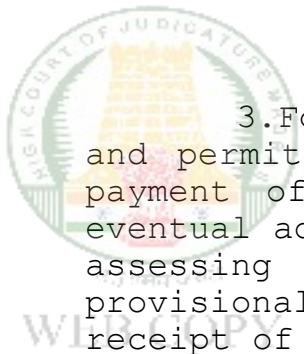
COMMON PRAYER:Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the goods 234.395 Tons viz., 10 containers of "Used Rubber Tyres with one cut in bead wire" imported vide Bill of Entry No.6884370, dated 14.02.2020, totally valued at USD 7031.85 and 238.625 Tons viz., 10 containers of "Used rubber tyres with one cut in bead wire" imported vide Bill of Entry No.6883151, dated 14.02.2020, totally valued at USD 7158.75 respectively.

For Petitioner (in both WPs)	Mr.A.K.Jayaraj
For Respondents No.1 (in both WPs)	Mr.V.Maraiyendran Central Government Standing Counsel
For Respondents Nos.2 & 3 (in both WPs)	Mr.R.Aravindan

C O M M O N O R D E R

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents

2.There cannot be any doubt that the cases on hand are squarely covered by the order dated 25.08.2020 in WP(MD) Nos.1242 of 2020 etc batch.



3. Following the same, the respondents are directed to assess and permit the provisional release of the goods in question upon payment of applicable duties of customs subject however to the eventual adjudication. The respondents shall release the goods after assessing and collecting the customs duty and other charges provisionally within a period of three weeks from the date of receipt of a copy of this order. The adjudication proceedings can go on. The respondents will bear in mind the usual approach adopted in the case of provisional release of goods in terms of 110A of the Customs Act. It is further declared that the petitioners are entitled to waiver in view of the handling of cargo in Customs Areas Regulation 2009. No demurrage and detention charges shall be levied on the petitioners herein.

4. These writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary, Union of India,
Ministry of Finance,
Department of Revenue, New Delhi.
2. The Commissioner of Customs,
Custom House, New Harbour Estate, Tuticorin.
3. The Assistant Commissioner of Customs(SIIB),
Custom House, New Harbour Estate, Tuticorin - 628 004.

+2 CC to Mr.A.K.Jayaraj Advocate SR.15721.

Common order made in
W.P (MD)Nos.10513 & 10519 of 2020 and
W.M.P. (MD)Nos.9301 & 9304 of 2020
01.09.2020