



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10822 of 2020 and

W.M.P.(MD)No.9526 of 2020

WEB COPY

M/s.Black Gold Technologies,
Rep. by its Proprietor Anuj Bansal,
UP-58, Maurya Enclave, Pitam Pura,
Delhi - 110 034.

... Petitioner

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

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the goods 260.393 Tons viz., 10 Containers of "Used Rubber Tyres Baled with one cut in Bead Wire" (used Rubber Tyres with one cut in bead wire) imported vide Bill of Entry No.6635466, dated 25.01.2020 totally valued at USD 7811.79.

For Petitioner

: Mr.A.K.Jayaraj

For R-1

: Mr.S.Muthukumar,
Central Government
Standing Counsel.

For R-2&R-3

: Mr.B.Vijay Karthikeyan

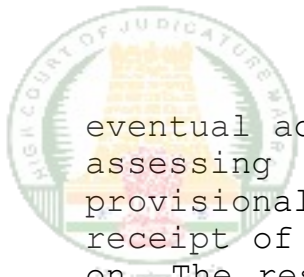
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O R D E R

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 W.P.(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 Regulations 2009. No demurrage and detention charges shall be levied on the petitioners herein.

4. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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. 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,
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 3. The Assistant Commissioner of Customs (SIIB),
Custom House, New Harbour Estate,
Tuticorin - 628 004.
- +1 CC to M/s.B. VIJAY KARTHIKEYAN, Advocate (SR-15908[F] dated 04/09/2020)

W.P. (MD) No.10822 of 2020

03.09.2020

KK (07.09.2020) 2P 5C

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