

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.5148 of 2021

and

WMP. No.5721 of 2021

M/s.India Pistons Limited,
Represented by Chief Financial Officer &
Company Secretary,
Mr.K.Balaji, HuzurGardens, Sembiam,
Chennai, Tamil Nadu - 600 011. Petitioner

Vs.

1.Joint Commissioner of Customs (EODC -EPCG)
Office of the Commissioner of Customs,
Chennai IV, Customs House,
60, Rajaji Salai, Chennai - 600 001.

2.The Deputy Director General,
Office of the Additional Director General
of Foreign Trade, 4th Floor,
Shastri Bhavan Annexe,
26, Haddows Road, Chennai - 600 006. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus to call for the impugned order passed by the 1st respondent in F.No.S45/194/2006-EPCG-EODC (CH-IV) in Job No.77203/2002 vide Order-in-Original No.78204/2020 dated 21.12.2020 and quash the same as illegal, arbitrary, violative of principles of natural justice and to direct the respondents to consider the EODC granted in EPCG Authorization No.0430003348 dated 18.01.2006.

For Petitioner : Ms.P.Jayalakshmi

For Respondents : Mr.M.Santhanaraman,
Senior Standing Counsel

O R D E R

I had, on 04.03.2021, taken note of the petitioner's contention that the impugned order has been passed omitting to take note of the Export Obligation Discharge Certificate (EODC), that the petitioner stated, was available on record. I had thus noted that if the authority were of the view that the document had been omitted to be taken note of, by inadvertence, he could report the same to the Court on the next occasion.

2. Today, Mr.Santhanaraman, circulates written instructions dated 27.03.2021 to the effect that the EODC was indeed omitted to be taken into account and thus the demand raised under the impugned order would have to be reversed. The impugned order-in-original is thus quashed.

3. This writ petition is allowed. Connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rkp

To

1.Joint Commissioner of Customs (EODC -EPCG)
Office of the Commissioner of Customs,
Chennai IV, Customs House,
60, Rajaji Salai, Chennai - 600 001.

2.The Deputy Director General,
Office of the Additional Director General
of Foreign Trade, 4th Floor,
Shastri Bhavan Annexe,
26, Haddows Road, Chennai - 600 006.

+lcc to Mr.M.Santhanaraman, Advocate, S.R.No.22505

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GPL (CO)

CB(21/05/2021)