



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.7936 of 2021

and

W.M.P.Nos.8483 & 8490 of 2021

(Through Video Conferencing)

M/s.Trans Pacific Logistics,
Represented by its Director, Mrs.Kusuma Kumari,
W/o.Late.M.Dhanraj,
Old.No.111, New No.231,
Angappa Naicked Street,
Chennai - 600 001. ... Petitioner

Vs

1. The Commissioner of Customs,
The Government of India,
Ministry of Finance Department of Revenue,
Office of the Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.
2. The Joint Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.
3. The Deputy Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai,
Chennai - 600 001. ... Respondents

Prayer Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of F.No.Adjn/DRI/EDC/08/2019-CH.IV order of the second respondent dated 27.11.2020 passed against the Petitioner's company and quash the same.

For Petitioner : Mr.R.S.Mohan

For Respondents : Mrs.R.Hemalatha
Senior Standing Counsel



ORDER

This writ petition has been filed by the petitioner for a Writ of Certiorari calling for the records of F.No.Adjn/DRI/EDC/08/2019-CH.IV order of the second respondent dated 27.11.2020 passed against the Petitioner's company and quash the same.

2. Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

3. Considering the fact that the petitioner has an alternate remedy before the Appellate Commissioner under Section 128 of the Customs Act, 1962. I am not inclined to entertain this writ petition. However, considering the fact that the petitioner has pursued with the present remedy before this Court by filing this writ petition only on 15.03.2021, the delay in filing the Appeal is condoned subject to the condition that the petitioner files a Statutory Appeal before the Appellate Commissioner within a period of thirty (30) days from the date of receipt of a copy of this order. Needless to state, before filing such an appeal, the petitioner shall also pre-deposit 7.5% of the disputed penalty as is required under Section 129 (E) of the Customs Act, 1962. If such appeal filed along with the mandatory pre-deposit, the Appellate Commissioner shall pass orders on merits.

4. Accordingly, this writ petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgm
To

1. The Commissioner of Customs,
The Government of India,
Ministry of Finance Department of Revenue
Office of the Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.
2. The Joint Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.



3. The Deputy Commissioner of Customs,
Chennai - IV, Customs House,
No.60, Rajaji Salai, Chennai - 600 001.

+1 cc to Mrs.R.Hemalatha, Advocate Sr.NO. 18

W.P.No.7936 of 2021

and

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gpl (CO)

A.SK(27.01.2022)