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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12953 of 2019

Yelakala Industries Private Ltd.
rep by its Proprietor,
Y.Surendra Kumar Reddy,
Hyway Lounge Survey No.160, Part NH 44,
Sub Road, Kak Kalpalli Village,
Anantapur,
Andhra Pradesh.

... Petitioner

vs.

The Directorate of Revenue Intelligence
rep. by the Deputy Director,
Ministry of Finance
(Department of Revenue)
27, G.M.Chetty Road,
T.Nagar, Chennai 17.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent to permit the Authorized Agent namely M/s.Hindustan Shipping Agencies having their office at 117/58, Thambu Chetty Street, Muthialpet, Mannady, Chennai-600 001 to act on behalf of the Petitioner for the examination of the Goods in Container No.HASU4712925, WAYBILL No.966548046.

For Petitioner : Mrs.Selvi George

For Respondent : Ms.G.Hemalatha
SCGSC for DRI Cases

O R D E R

Petitioner/Company has come up with this Writ Petition seeking a direction to the Respondent to permit their authorized Agent viz. M/s.Hindustan Shipping Agencies having their office at 117/58, Thambu Chetty Street, Muthialpet, Mannady, Chennai-600 001, to act on their behalf for the examination of the goods in Container No.HASU4712925, WAYBILL No.966548046.



2. According to the Petitioner/Company, they are engaged in Export business and they purchased wooden articles from GW International Group Limited at Hong Kong and the same were packed in 277 Carton boxes and shipped from the Port of Loading at Nansha, China to the Port of Discharge at Ennore, Chennai in Voyage No.1812. The shipment was boarded on 31.10.2018 and the same reached the Port of Discharge at Ennore.

3. It is further stated by the Petitioner/Company that, their Authorized Agent received a communication dated 20.12.2018 from the Respondent stating that, a Mahazar dated 10.12.2018 was drawn and due to lack of sufficient light and space, only preliminary examination was conducted on 10.12.2018 and a detailed examination is proposed to be conducted. Subsequently, the Petitioner/Company addressed a letter dated 28.01.2019 to the Respondent stating that, due to health issues, he was unable to appear in person for the examination of the Cargo and requested to clear the Cargo at the earliest. As there was no reply from the Respondent, the Petitioner addressed another communication dated 19.02.2019 to the Respondent that, their Agent viz. Hindustan Shipping Agencies will extend full co-operation for the examination of the Cargo.

4. Learned counsel for the Petitioner submitted that, a direction may be issued to the Respondent to consider the Petitioner's representation dated 19.02.2019 in accordance with law, thereby permit the Petitioner's Authorized Agent to appear before the Authorities concerned, for the examination of the Cargo.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. In view of the limited relief sought by the Petitioner/Company, this Court directs the Respondent herein to consider the Petitioner's representation dated 19.02.2019 and pass appropriate orders on the same within a period of six weeks from the date of receipt of a copy of this order. If there is no other impediment, it is open to the Respondent to accept the appearance of the Petitioner in the subsequent hearing.

The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar



(skt/aeb)

To:

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The Deputy Director,
Directorate of Revenue Intelligence,
Ministry of Finance
(Department of Revenue)
27, G.M.Chetty Road,
T.Nagar, Chennai 17.

+1cc to Mrs.Selvi George, Advocate SR.No.58001

W.P.No.12953 of 2019

KG(CO)
CB(30/11/2021)