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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.11894 of 2020

and

WMP. Nos.14612 & 14613 of 2020

M/s. Global Leathers Private Limited,
Rep by its Managing Director Mr.Bharat Goenka,
Having office at No.8/A,
First Land Cenotaph Road,
Teynampet chennai 600 018.

...Petitioner

Vs

1. The Chief Commissioner of Customs,
Customs House, No. 60, Rajaji Salai,
Chennai 600 001.
 2. The Additional Commissioner of Customs,
Special Intelligence and Investigation Branch,
Customs House, No. 60, Rajaji Salai,
Chennai 600 001.
 3. The Additional Director General of Foreign Trade,
Office of the Zonal Director General of Foreign Trade,
Shastri Bhawan Annexe Building, 4th Floor,
No. 26, Haddows Road, Nungambakkam.
 4. D.Wellington
 5. The Commissioner of Police,
EVR Salai, Vepery, Chennai 600 007.
(R5 Impleaded Vide Order Dated 17/06/2021 Made In
WMP.13614/2021 IN WP.11894/2020)
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the respondents 1 to 3 to restrain from debiting any amount pertaining to MEIS Licence / Scrip Bearing No. 0419083264 dated 18.05.2020 towards any payment / deductions including customs duty payment payment of excise duties payment of service tax payment of customs Etc. considering the representation dated 29.06.2020 give by the petitioner to the 1



to 3 respondents and grant such other further relief as this Hon'ble court may deem fit to the facts and circumstances of the case.

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For Petitioner : Mr.A.K.Jayaraj

For Respondent : Mr.A.P.Srinivas SSC for R1 & R2
Mr.Balasubramanian SPI for RR3 & 4
Mr.N.R.R.Arun Natarajan - R5

O R D E R

Heard Mr.A.K.Jayaraj, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Government Advocate for R5. There is no representation for R1 to R3 being the Customs Authorities as well the authorities of the Director General of Foreign Trade and R4 though notice has been served on R4 and his name as well as the counsels for R1 to R3 are printed in the cause list.

2. The petitioner has sought a mandamus directing respondents 1 to 3, being the Chief Commissioner of Customs, the Additional Commissioner of Customs and the Additional Director General of Foreign Trade, not to debit any amount pertaining to MEIS Licence/Scrip bearing No. 0419083264 dated 18.05.2020 (scrip in question) towards any payment/deductions including customs duty, excise duty and service tax. A representation dated 29.06.2020 to this effect has also been filed before R1 to R3.

3. The case of the petitioner is that the 4th respondent, who was entrusted with the management of the business of exports the petitioner, had clandestinely sold the scrip in question to a third party, by name Syed Mohideen Shahul Hameed. A police complaint has been filed and status report has been filed by the Inspector of Police, E3 Teynampet to the effect that investigation is on-going. The report also states that the persons are under investigation, have obtained conditional orders of anticipatory bail from this Court.

4. In the light of the aforesaid, that is, pendency of the petitioner's representation dated 29.06.2020 before the Customs and DGFT as well as the on-going investigation by the police, the following directions are issued (i) R5 will complete the on-going investigation within a period of ten weeks from today (ii) the Customs Authorities shall dispose the representation of the petitioner dated 29.06.2020, bearing in mind the enquiry/investigation as well as the conclusion in the on-going investigation arrived at by the police, within a period of two weeks from date of completion of the police enquiry after



hearing the petitioner as well any other parties that are necessary and germane to the matter.

5. An interim order restraining R1 from entertaining any request to debit in respect of MEIS scrip in question has been granted on 06.10.2020, extended from time to time. The said protection will continue for the aforesaid period of twelve (12) weeks and will be subject to the conclusion arrived at by R1 to R3 on the representation of the petitioner.

6. With the aforesaid directions, this Writ Petition stands disposed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Commissioner of Customs,
Customs House, No. 60, Rajaji Salai,
Chennai 600 001.
2. The Additional Commissioner of Customs,
Special Intelligence and Investigation Branch,
Customs House, No. 60, Rajaji Salai,
Chennai 600 001.
3. The Additional Director General of Foreign Trade,
Office of the Zonal Director General Of Foreign Trade,
Shastri Bhawan Annexe Building, 4th Floor,
No. 26, Haddows Road, Nungambakkam.
4. The Commissioner of Police,
EVR Salai, Vepery, Chennai 600 007.

+1 CC to Mr.A.K.Jayaraj, Advocate, Sr.No. 37579.

+1 CC to Mr.Srinivas, Advocate, Sr.No. 37666.

+1 CC to Mr.V.Balasubramanian, Advocate, Sr.No. 38232.

W.P. No.11894 of 2020

and

WMP. Nos.14612 & 14613 of 2020

PCH (CO)

LS (25/08/2021)