



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.18481 of 2021

M/s.Vivasvan International
Represented by its Partner
Mr.K.S.Raghavendra
No.21, 23rd Floor, 3rd Main Road,
J.C. Industrial Estate, Kanakapuram Road
Bangalore 560 062.

...Petitioner

-Vs.-

The Deputy Commissioner of Customs (EDC)
Chennai IV Commissionerate, Custom House,
60 Rajaji Salai, Chennai 600 001.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to amend the shipping bills as sought for in the petitioner's representation 20.03.2020 and transmit the shipping bills mentioned in the said representation online to the DGFT server to enable the petitioner to claim the MEIS benefit.

For Petitioner : Mr.Hari Radhakrishnan

For Respondent : Mr.Pramodkumar Chopda,
Standing Counsel for Customs.

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 03.09.2021, 13.09.2021 and 15.09.2021 which read as follows:

Proceedings dated 03.09.2021:

'Mr.Pramodkumar Chopda, learned Standing Counsel accepts notice on behalf of respondent and seeks time to get instructions.

2. List under the caption 'ADJOURNED ADMISSION' on 13.09.2021'.



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Proceedings dated 13.09.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.09.2021.

2. Mr.Hari Radhakrishnan, learned counsel for writ petitioner is before this Virtual Court.

3. Adverting to earlier proceedings, Mr.Pramodkumar Chopda, learned Standing Counsel requests for further time.

4. Be that as it may, learned counsel for writ petitioner adverting to an order made by me in Global Calcium Pvt. Ltd., Vs. Asstt. Commr.of Customs (EDC), Chennai reported in 2019 (370) E.L.T. 176 (Mad.), submits that there is an intra-court appeal in W.A.No.580 of 2020 and the same is pending (there is no stay), but 2019 (370) E.L.T. 176 (Mad.) order in Global Calcium Pvt. Ltd., case made by me has been referred to and similar orders have been passed by a Hon'ble Division Bench of the Bombay High Court is his say. Kerala High Court also has taken a similar view is his further say. Learned counsel submits that the same has been e-mail filed.

5. Registry to put up hard copies of the judgments in the next listing.

6. List in the Admission Board day-after-tomorrow i.e., 15.09.2021.'

Proceedings dated 15.09.2021:

'Mr.Hari Radhakrishnan, learned counsel for writ petitioner is before this Virtual Court, but the Revenue counsel is having some technical glitch at the far end.

2. List day-after-tomorrow (17.09.2021) in the Admission Board.'

2. The case laws have since been circulated.

3. Be that as it may, Mr.Hari Radhakrishnan, learned counsel on record for writ petitioner and Mr.Pramodkumar Chopda, learned standing counsel who has accepted notice on behalf of the lone respondent are before this Virtual Court and the main writ petition is taken up with the consent of both sides.

4. Learned counsel for writ petitioner, notwithstanding very many averments and very many grounds raised in the writ affidavit submits that he would abridge the prayer and it will suffice if a simple directive i.e., Mandamus qua respondent to dispose of the writ petitioner's representation dated 20.03.2020



(page No.27 of the typed set of papers) within a time frame is issued. Owing to abridged prayer I am inclined to accede to the request as the same is innocuous and simple.

5. Captioned Writ Petition is disposed of, directing the respondent to dispose of writ petitioner's representation dated 20.03.2020 (page No.27 of the typed set of papers) on its own merits and in accordance with law, as expeditiously as his business would permit and in any event, within five weeks from today i.e., on or before 22.10.2021. The disposal proceedings shall be communicated to the writ petitioner under due acknowledgment within five working days thereafter i.e., from the date of the proceedings.

6. Though obvious, it is made clear that this Court has not expressed any view or opinion on the merits of the matter. It is open to the respondent to give a personal hearing to writ petitioner but it is made clear that this is entirely at the discretion of the respondent i.e., if the respondent deems it necessary for disposal of the representation. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk/nsa

To

The Deputy Commissioner of Customs(EDC)
Chennai IV Commissionerate, Custom House,
60 Rajaji Salai, Chennai 600 001.

+1 CC to Mr.Hari Radhakrishnan, Advocate, Sr 47962.

+1 CC to Mr.T.Pramod Kumar, Advocate, Sr 47588.

W.P.No.18481 of 2021

PCH(CO)
LS(01/10/2021)