



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

**W.P(MD)Nos.11710 and 11711 of 2012
and
M.P. (MD)Nos.1 and 1 of 2012**

M/s.Popular Electronics,
R32/9, TNHB Commercial Complex,
T.S.Krishnanagar, Annanagar (W) Extn.,
Chennai - 600 050, Rep. by its Proprietor,
N.T.Ramireddy. ... Petitioner in both W.Ps

Vs.

- 1.The Commissioner of Customs,
Customs House, New Harbour Road,
Tuticorin - 628 004.
- 2.The Additional Commissioner of Customs (Imports),
Customs House, New Harbour Road,
Tuticorin - 628 004.
- 3.The Director General of Foreign Trade and
Additional Secretary to the Govt. of India,
Department of Commerce,
Ministry of Commerce and Industry,
Govt. of India, New Delhi. ... Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to assess and permit clearance of 129 units and 116 units respectively of used secondhand Digital Multifunction Print & Copying Machines forming the subject matter, vide Bill of Entry Nos.7531212 and 7531220 dated 30.07.2012 respectively upon the payment of applicable duties of Customs on the assessable value as determined by the Chartered Engineer, by holding that the restriction imposed vide Notification No.1(RE-2012)/2019-14 dated 05.06.2012 by the DGFT, against para 2.17 of the FTP read with para 2.33 of the HBP(Vol.1) issued by the DGFT, the 3rd respondent herein do not govern the impugned goods viz., used secondhand digital multifunction print and copying machines imported by the petitioner herein.



(in both W.Ps)

For Petitioner : Mr.N.Viswanathan

For Respondents : Mrs.S.Ragaventhre for R1 & R2
Mr.S.Jeyasingh,
Central Govt. Standing Counsel for R3.

WEB COPY

COMMON ORDER

The learned counsel for the petitioner states that he does not have instructions from the petitioner on the other hand, the learned standing counsel for the respondents states that the petitioner had already obtained release of the petition mentioned goods on provisional assessment basis and that nothing survives for further adjudication in these writ petitions.

2.Recording the submission made by the learned standing counsel, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(CS-II)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-3889[F] dated 09/02/2021)

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IAS
PK/27.02.2021 : 2P/2C