



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2264 of 2021

and

W.M.P.(MD)No.1890 of 2021

WEB COPY

M/s.Black Gold Technologies,
Rep., by its Proprietor Mr.Anuj Bansal,
H.No.58, UP Block, Maurya Enclave,
Pitampura, Delhi-110 034.

... Petitioner

Vs

1.Union of India,
Rep. by its Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.

2.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin-628 004.

3.The Assistant Commissioner of Customs (SIIB),
Custom House, New Harbour Estate,
Tuticorin-628 004.

... Respondents

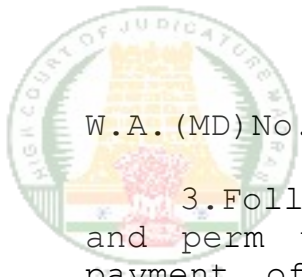
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to release the goods 207.894 Tons viz. 8 Containers of "Used Rubber Tyres with One Cut in the Bead Wire" (used Rubber Tyres with one cut in bead wire) imported vide Bill of Entry No.6420309, dated 10.01.2020, totally valued at USD 6237.

For Petitioner	:	Mr.A.K.Jayaraj
For R1	:	Mr.C.Nandhagopal
		CGSC
For R2 to R3	:	Mr.R.Aravindhan

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.A mere look at the factual matter would show that the case on hand is squarely covered by the earlier order passed by this Court on 25.08.2020 in W.P.(MD)No.1242 of 2020 etc., The said order was also confirmed by the Hon'ble Division Bench dated 29.09.2020 in



W.A. (MD)No.863 of 2020 etc.

3.Following the same, the respondents are directed to assess and permit the provisional release of the goods in question upon payment of applicable duties of customs subject however to the eventual adjudication. The respondents shall release the goods after assessing and collecting the customs duty and other charges provisionally within a period of three weeks from the date of receipt of a copy of this order. The adjudication proceedings can go on. The respondents will bear in mind the usual approach adopted in the case of provisional release of goods in terms of 110A of the Customs Act. It is further declared that the petitioners are entitled to waiver in view of the Handling of Cargo in Customs Areas Regulations 2009. No demurrage and detention charges shall be levied on the petitioners herein.

4.This Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1.The Secretary,Union of India,
Ministry of Finance,Department of Revenue,New Delhi.

2.The Commissioner of Customs,
Custom House, New Harbour Estate,Tuticorin-628 004.

3.The Assistant Commissioner of Customs (SIIB),
Custom House, New Harbour Estate,Tuticorin-628 004.

+1 CC to M/s.C.NANDAGOPAL, Advocate (SR-4154[F] dated 10/02/2021)

W.P. (MD)No.2264 of 2021

09.02.2021

(SRK) CO

AP(12/02/2021) 2P 5C

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