



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD)Nos.901 to 903 of 2020

and

C.M.P. (MD)Nos.4924, 4927 & 4928 of 2020

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

2.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin - 628 004. :Appellants in all Appeals/ Respondents

Vs.

M/s.Solvex Renewable and Green Energy Pvt. Ltd.,
Rep. by its Director,
Vinay Subramanian : Respondent in all Appeals/Petitioner

COMMON PRAYER: Appeals filed under Clause 15 of the Letters Patent as against the common order dated 25.08.2020 made in W.P.(MD) Nos.6348, 7841, 7843 of 2020.

Prayer in WP(MD). 6348/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue any Writ or order or direction most particular in the nature of Writ of Mandamus, directing the respondents to provisionally release the goods seized vide mahazar dated 2.3.2020 with respect to bill of entry 6808776 dated 8.2.2020 within a reasonable time .

Prayer in WP(MD). 7843/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue any writ or order or direction most particular in the nature of Writ of mandamus Directing the Respondents to issue detention certificate recommending waiver of demurrage and detention charges in respect of goods covered by bill of entry 6808776 dated 08/02/2020 in terls or regulation 6(1)(1) of the Handling of Cargo in Customs Area Regulations, 2009 and in terms of Ministry of shipping Order No.PD-14033/4/2020-PD VII Dated 21.04.2020 and Instructions dated 24.04.2020 issued by Commissioner of Customs, Chennai IV Commissionerate in F.No.S.Misc.103/2019- Docks Admin



Prayer in WP(MD). 7841/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue any writ or order or direction most particular in the nature of Writ of mandamus Directing the Respondents to permit the petitioner to mutilate the imported goods as per section 24 of the Customs Act, 6808776 dated 08/02/2020 and further direct the respondents to permit the subject goods to be cleared for home consumption , within a reasonable time frame

For Appellants : Mr.B.Vijayakarthiskeyan
Standing Counsel

For Respondent : Mr.Hari Radhakrishnan
[In all Appeals]

COMMON JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

The issue involved is no longer *res integra*. Challenging the very same batch of orders passed by the learned Single Judge, dated 25.08.2020, involving the same issue, the appeals filed by the Department in W.A.(MD)Nos.863 of 2020, etc., batch, were dismissed by this Court, by judgment dated 29.09.2020.

2. The learned Standing Counsel appearing for the appellants has also fairly submitted that the said judgment dated 29.09.2020 would cover the present appeals.

3. In such view of the matter, all these writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

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

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

+1 CC to M/s.B.VIJAYA KARTHIKEYAN, Advocate (SR-2076[F] dated 25/01/2021)

W.A. (MD)Nos.901 to 903 of 2020
22.01.2021

SSS (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
RB(04.02.2021) 2P 4C