

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.19225 of 2022

M/s. Tarini Minerals Pvt. Ltd.

Petitioner

Mr. Jagabandhu Sahoo, Senior Advocate
with Ms. Kajal Sahoo, Advocate

-versus-

***Deputy Commissioner, Custom
House, Paradeep Custom Division,
Paradeep, Odisha & Others***

Opposite Parties

Mr. Radheshyam Chimanka, Senior
Standing Counsel for CGST

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
05.09.2022

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. The exporter is before this Court challenging the order in original dated 28th June, 2022, whereby a custom duty of Rs.8,57,60,892/- being 30% duty calculated on the transaction value of Rs.39,91,58,867/- has been imposed upon finalisation of the provisional assessment made under Section 18(2) of the Custom Act, 1962 in respect of shipping Bill No.7251149, dated 16th December, 2020 based on CRCL report, Kolkata as also CRCL report, New Delhi specifying the Fe content to be above 58% in the consignment/cargo of Iron Ore Fines.
3. At the time of hearing, learned counsel submits that pursuant to subsequent permission permitting second retesting of the aforesaid consignment vide memo dated 21st July, 2022, a report has been submitted by the CRCL, Mumbai specifying the Fe

content in the consignment to be much below 58%, thereby rendering the classification attracting “Nil” Customs Duty. He therefore, prays for permission to withdraw the present writ petition with permission to file the same challenging the aforesaid order in original dated 28th June, 2022 and file a fresh petition with better particulars. Mr. Radheshyam Chimanka, Senior Standing Counsel for Central Excise and Customs has no objection.

4. In view of the above, the writ petition is withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 05, 2022 Cuttack

