



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.1310 of 2022

M/s.Azad Communication
23/1941, Basav Nagar, Kagwad, Belgavi
Belgaum, Karnataka - 591 223
Rep. by its Proprietor Mr.Maulali

...Petitioner

Vs.

- 1.The Addl. Commissioner of Customs (SEZ)
Chennai VII Commissionerate, Customs House
Meenambakkam, Chennai - 600 027.
- 2.The Deputy Commissioner of Customs (SEZ)
Chennai VII Commissionerate, Customs House
Meenambakkam, Chennai - 600 027.
- 3.The Deputy Commissioner of Customs (SIIB)
Chennai III Commissionerate, No.60, Rajaji Salai
Customs House, Chennai - 600 001. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 09.12.2021, seeking for the re-export of goods, covered under Warehouse Bill of Entry No.107115 dated 03.09.2021 by taking to consideration that the subject bill of entry is pending clearance from September 2021, which is a live consignment and also to further direct the respondents to issue necessary detention certificate for waiver for demurrage/detention charges under Reg.6(1) of the Handling of Cargos in Customs Area Regulations, 2009 as amended.

For Petitioner : Mr.S.Baskaran

For Respondents : Mrs.Hema Muralikrishnan
Senior Standing Counsel



O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 09.12.2021, seeking for the re-export of goods, covered under Warehouse Bill of Entry No.107115 dated 03.09.2021 by taking to consideration that the subject bill of entry is pending clearance from September 2021, which is a live consignment and also to further direct the respondents to issue necessary detention certificate for waiver for demurrage/detention charges under Reg.6(1) of the Handling of Cargos in Customs Area Regulations, 2009 as amended.

2. Mr.S.Baskaran, learned counsel appearing for the petitioner claimed that, the petitioner has imported certain old garments item, which after doing some packing process, would be exported to some foreign countries, for which, a Warehouse Bill of Entry No.107115 dated 03.09.2021 has been given. Taking into account of the same, the clearance may be given by the respondents (Customs), for which, the petitioner has given a representation on 09.12.2021. Since the said representation has not been considered and it has been kept pending, the petitioner has approached this Court by filing the present writ petition, seeking for a Mandamus, directing the respondents to consider his request by way of representation dated 09.12.2021 and pass orders thereon on merits within a time frame that may be stipulated by this Court.

3. Mrs.Hema Muralikrishnan, learned Senior Standing Counsel appearing for the respondents would submit that, the said request by way of representation of the petitioner dated 09.12.2021, if at all he wants to be considered and decided on merits, certainly, it would be considered and decided within a time frame, that may be stipulated by this Court as per the extant rule, which are in vogue in this regard by the respondents/Customs Department.

4. Having considered the said submission made by both parties and by taking into account the innocuous nature of the prayer sought for herein, this Court is inclined to dispose of the writ petition with the following orders:

(i) That there shall be a direction to the third respondent to consider the representation of the petitioner dated 09.12.2021 and pass orders thereon on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.



5. With this direction, the writ petition stands disposed of. However, there shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

Kak

To

- 1.The Additional Commissioner of Customs (SEZ)
Chennai VII Commissionerate, Customs House
Meenambakkam, Chennai - 600 027.
- 2.The Deputy Commissioner of Customs (SEZ)
Chennai VII Commissionerate, Customs House
Meenambakkam, Chennai - 600 027.
- 3.The Deputy Commissioner of Customs (SIIB)
Chennai III Commissionerate, No.60, Rajaji Salai
Customs House, Chennai - 600 001.

+1cc to Mr.S.Baskaran, Advocate SR.No.13206

+1cc to Mrs.Hema Muralikrishnan, Advocate SR.No.13241

W.P.No.1310 of 2022

SR(CO)
GMY(09/03/2022)