



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8637 of 2022

M/s.BE Office Automation Product [P] Ltd.,
Plot No.10A, Phase III, Gangyol,
Jammu-180010,
represented by its director,
Mr.Ram Bhagat Yadav

... Petitioner

Vs.

1. The Commissioner of Customs,
Chennai II Customs Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-600 001.

2. The Additional Commissioner of Customs (Group 5),
Chennai II Customs Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-600 001.

3. The Deputy Commissioner of Customs (Group-5),
Chennai II Customs Commissionerate,
Custom House, 60 Rajaji Salai,
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 2nd respondent herein to forthwith consider the representation dated 17.02.2022 made on behalf of the petitioner and to comply with the common remand orders-in-Appeal Nos.C.Cus.II No.774-777/2021 dated 17.12.2021 passed by the 1st Appellate Authority and the Commissioner of Customs [Appeals-II] Chennai in the appeals preferred by the petitioner.

For Petitioner : Mr.N.Viswanathan

For Respondents : Mrs.Hema Murali Krishnan



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondent herein to forthwith consider the representation dated 17.02.2022 made on behalf of the petitioner and to comply with the common remand orders-in-Appeal Nos.C.Cus.II No.774-777/2021 dated 17.12.2021 passed by the 1st Appellate Authority and the Commissioner of Customs [Appeals-II] Chennai in the appeals preferred by the petitioner.

2. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner company filed four bills of entries on 14.08.2020 and 10.08.2020, for clearance of used Digital Multi-functional Printers / Devices (MFD) of various makes and models with standard accessories and attachments and classifying the goods under CTH 84433100. The adjudicating authority passed an impugned order on 14.08.2020 as against which the petitioner filed appeal before the appellate authority namely the Commissioner of Customs [Appeals-II]. The Commissioner of Customs [Appeals-II] has set aside the impugned order passed by the adjudicating authority and remanded the matter back to him for fresh orders, within a period of 30 days from the date of receipt of a copy of that order. However, the 2nd respondent did not complied the order passed by the Commissioner of Customs [Appeals-II]. Thereby, the petitioner made an application on 17.02.2022 to the 2nd respondent, to comply the order passed by the Commissioner of Customs [Appeals-II]. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues a direction to the 2nd respondent to consider the petitioner's representation dated 17.02.2022 and pass orders within the time frame that may be stipulated by this Court.

5. The learned Counsel appearing on behalf of the respondents submitted that the petitioner's application dated 17.02.2022 will be considered by the 2nd respondent within a reasonable time that may be fixed by this Court.

6. This Court, without going into the merits of the case, direct the respondent to consider the petitioner's application dated 17.02.2022 within a period of eight weeks from the date of



receipt of a copy of this order and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and to the aggrieved parties, if any.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Commissioner of Customs,
Chennai II Customs Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-600 001.
2. The Additional Commissioner of Customs (Group 5),
Chennai II Customs Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-600 001.
3. The Deputy Commissioner of Customs (Group-5),
Chennai II Customs Commissionerate,
Custom House, 60 Rajaji Salai,
Chennai-600 001.

+1cc to M/s.Hema Murali Krishnan, Advocate, S.R.No.24018

+1cc to Mr.N.Viswanathan, Advocate, S.R.No.23787

W.P. No.8637 of 2022

PMK(CO)
SU(22/04/2022)