



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.11495 OF 2021

AND

W.M.P.NO.12237 OF 2021

[Video Conferencing]

M/s.Sambros Tex Global Limited,
Rep by its Managing Director,
Mr.Sampath Kumar .C.V,
No.126, Sastri Road,
Ramnagar,
Coimbatore - 641 009.

... Petitioner

.Vs.

1. The Commissioner of Customs (Exports),
Custom House, Rajaji Salai,
Chennai - 01.
2. The Deputy Commissioner of
Customs (BRC-DBK),
Custom House, Rajaji Salai,
Chennai - 01.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned Order-in-Original No.81524/2021 of the 2nd respondent dated 19.03.2021 and quash the same.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.Rajendran Raghavan
Senior Standing Counsel



ORDER

Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

2. This Writ Petition is not maintainable as the petitioner has an alternate and an efficacious remedy before the Appellate Commissioner under Section 128 of the Customs Act, 1962.

3. The facts on record would indicate that the petitioner was issued with a show cause notice dated 22.03.2017 to which the petitioner replied on 04.05.2017. After the aforesaid reply was filed, the respondent took up the case for personal hearing and called upon the petitioner atleast on four different occasions to which the petitioner has not responded by attending the personal hearing.

4. Considering the same, this Writ Petition challenging the impugned order cannot be entertained. The matter would require proper adjudication before the Appellate Commissioner. Therefore, the petitioner is directed to file a statutory appeal before the Appellate Commissioner within a period of 30 days from the date of receipt of a copy of this order and in case, if such an appeal is filed within the time stipulated by this Court together with necessary pre-deposit, the Appellate Commissioner shall entertain the Appeal and dispose of the same on merits and in accordance with law.

5. The Writ Petition stands disposed of with the above observations. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pgp

To

1. The Commissioner of Customs (Exports),
Custom House, Rajaji Salai,
Chennai - 01.



2. The Deputy Commissioner of
Customs (BRC-DBK),
Custom House, Rajaji Salai,
Chennai - 01.

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+1cc to Mr.C.Sivakumar, Advocate, S.R.No.487

W.P.NO.11495 OF 2021

NMI (CO)
PBS/19/01/2022