



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.23693 OF 2014

&

M.P.NO.1 OF 2014

Sun Global Logistics Pvt. Ltd.
Rep. by its Managing Director
Shri R.Sunder
Survey No.742 North Avenue Road
SIPCOT Irungattukottai
Sriperumbudur- 602 105.

... Petitioner

Vs.

1. Union of India
Rep. by the Secretary Ministry of Finance
Department of Revenue Government of India
North Block
New Delhi-110001.
2. Central Board of Excise & Customs
North Block
New Delhi-110001.
3. Commissioner of Customs
(Sea Export) Custom House
No.60 Rajaji Salai
Chennai - 600 001.
4. Deputy Commissioner of Customs (Enquiry)
Custom House No.60
Rajaji Salai
Chennai-600 001.
5. Assistant Commissioner of
Customs (Docks-Admn)
Custom House No.60
Rajaji Salai Chennai -600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the order dated 18-Aug-2014 of the 5th respondent bearing F.No. S.Misc/117/2011-Docks.



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For Petitioner : Mr.P.R.Renganath
For Respondents : Mrs.Hema Muralikrishnan
Senior Standing Counsel

ORDER

Both Mr.P.R.Reganath, learned counsel for the petitioner and Mrs.Hema Muralikrishnan, learned Senior Standing Counsel for the respondents concur on the position that the issue arising in this writ petition stands decided in a batch of writ petitions in W.P.Nos.7937, 7938 & 8248 of 2013, order dated 02.06.2021.

2. In brief, the issue relates to cost recovery charges imposed upon Container Freight Stations (in short 'CFS'). Though the petitioner, admittedly, has achieved the benchmark for exemption from payment of cost of recovery charges and is entitled to waiver of the same in terms of the guidelines of the Central Board of Excise and Customs in BMP No.05 of 2015 (meeting dated 18.06.2015), the fact remains that such waiver has, admittedly, not been granted. Directions have been issued in the aforesaid order to the Jurisdictional Commissioner/Chief Commissioner to regularize the case of CFS's, identically placed to the petitioner before me, and grant waiver as sought for, with effect from date of achievement of the benchmarks.

3. In the present case, both learned counsel agree that the date of achievement of the benchmark is on 05.08.2010. Thus, the petitioner is entitled to the waiver as sought for, with effect from 05.08.2010.

4. This writ petition stands disposed as above. Connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

nst

To

1. Union of India
Rep. by the Secretary Ministry of Finance
Department of Revenue Government of India
North Block, New Delhi-110001.



2. The Central Board of Excise & Customs
North Block
New Delhi-110001.

3. The Commissioner of Customs
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Rajaji Salai
Chennai-600 001.

5. The Assistant Commissioner of
Customs (Docks-Admn)
Custom House No.60
Rajaji Salai Chennai -600 001.

+1cc to M/s.N.Murali, Advocate, S.R.No.32635

+1cc to M/s.Hema Muralikrishnan, Advocate, S.R.No.32691

W.P.No.23693 of 2014 &
M.P.No.1 of 2014

RGN(CO)
RLP(21/06/2022)