



WEB COPY

W.P.No.27412 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.27412 of 2022

M/s.Khan Enterprises
Basav Nagar, 2172 Near Madina Masjid
Kagwad, Belgavi (Belgaum)
Karnataka – 591 223
rep. by its Proprietor
Mr.Gaffar Khan

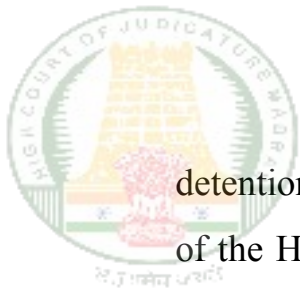
... Petitioner

Vs

1. The Superintendent of Customs,
Authorized Officer,
J Matadee FTWZ, Mannur & Valarapuram Village,
Sriperumbudur Taluk, Kanchipuram – 602 105
2. The Deputy Commissioner of Customs (SEZ)
J Matadee FTWZ, Mannur & Valarapuram Village,
Sriperumbudur Taluk, Kanchipuram – 602 105
3. The Additional Commissioner of Customs (SEZ)
Chennai VII (Air Cargo Commissionerate),
Air Cargo Complex, Meenambakkam
Chennai – 600 027.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 27.09.2021, seeking for the re-export of goods, covered under SEZ Warehouse Bill of Entry No.1016404 dated 23.08.2021, by also directing the respondents herein to grant the 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, by taking to consideration that the subject live bill of entry have been under the control and custody of the respondents.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Avinash Wadhwani
Junior Standing Counsel

ORDER

Mr.Avinash Wadhwani, learned Junior Standing Counsel who has accepted notice for the respondents is armed with instructions to enable final disposal of the matter at this juncture.

2. The petitioner has sought a mandamus directing the respondents to consider its representation dated 27.09.2021 seeking re-export of goods covered under Special Economic Zone Ware house bill of entry No.1016404 dated 23.08.2021 and also grant a detention certification for waiver of demurrage and detention charges.

3. Upon instructions, Mr.Wadhwani would point out that representation dated 10.12.2021 is unavailable on the file of the respondent and what is available is only representation dated 27.09.2022.

4. Be that as it may, as early as on 13.12.2021, a reference has been made to the Special Investigation and Intelligence Branch (SIIB) to seek a report on the apprehensions of the respondent that the petitioner has misdeclared the goods. This



fact is brought to the notice of the petitioner only now, according to learned counsel for the petitioner.

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5. In the circumstances as above, it would suffice to fix a time frame for the respondents to dispose representation dated 27.09.2022, ensuring that the report of the SIIB is also received prior thereto and after hearing the petitioner. A period of twelve (12) weeks is fixed for the said purpose from date of receipt of a copy of this order. A copy of this order may be forwarded to the SIIB by respondent counsel to ensure adherence to the time frame as stipulated.

6. This Writ Petition stands disposed as above. No costs.

14.10.2022

Index:Yes/No

Speaking/non-speaking order

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To

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Sriperumbudur Taluk, Kanchipuram – 602 105
2. The Deputy Commissioner of Customs (SEZ)
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