



WEB COPY



W.A. No. 2379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE C. SARAVANAN

W.A. No. 2379 of 2022

&

C.M.P. No. 18116 of 2022

The Principal Commissioner of Customs,
Air Cargo Complex,
Chennai VII Commissionerate,
New Custom House, GST Road,
Meenambakkam, Chennai 600 027.

..Appellant

Vs.

1. M/s. Sree Venkateshwara Bullion,
A Partnership Firm,
rep. by its Partner, Shri N.S. Balaji,
Old No.116, New No.244,
Tarus Tower, NSC Bose Road,
Sowcarpet, Chennai 600 079.

2. Additional Director General,
Directorate of Revenue Intelligence,
Ministry of Finance,
D/o. Revenue Government,
Chennai Zonal Unit,
No.27, G.N. Chetty Road, T.Nagar,
Chennai 600 017.

..Respondents

Prayer: Writ Appeal to set aside the order passed in W.P. No. 24141 of
2022 dated 30.09.2022 imposing a cost of Rs.10,000/- on the appellant



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herein.

WEB COPY For Appellant :: Mr.K. Umesh Rao

For Respondents :: Mr.P. Sathish Sundar for R1
Mr.V. Sundareswaran for R2

J U D G M E N T

S. VAIDYANATHAN,J.

AND

C. SARAVANAN,J.

The appellant has come forward with the writ appeal to set aside the order dated 30.09.2022 passed in W.P. No. 24141 of 2022 insofar as it relates to imposing cost of Rs.10,000/- on the appellant.

2. We do not want to advert to the various contentions raised by the parties on merits. As orders on the application of the writ petitioner/1st respondent herein dated 20.08.2022 seeking provisional release of seized assets under Section 110A of the Customs Act, 1962 had come to be passed without hearing the writ petitioner/1st respondent herein, the learned Single Judge had imposed cost of Rs.10,000/- on the appellant and thereafter, the matter has been adjourned to enable the appellant to pass orders after hearing the writ petitioner.

3. The learned counsel for the 1st respondent, who has entered appearance in the appeal, would submit that the 1st respondent/writ



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petitioner has been heard and orders are awaited and it is likely to be pronounced on 27.10.2022. Learned counsel would further submit that the writ petition is still pending and he has no objection for deleting the costs imposed on the appellant.

4. Taking note of the fact that the writ petitioner/1st respondent has already been heard and orders are awaited on merits and that the writ petitioner/1st respondent has no objection for deletion of costs, the order of the learned Single Judge is modified deleting the cost of Rs.10,000/- imposed on the appellant.

S. VAIDYANATHAN,J.

AND

C. SARAVANAN,J.

nv

5. The writ appeal is disposed of accordingly. No costs.
Connected C.M.P. is closed.

(S.V.N.J.) (C.S.N.J.)

nv

20.10.2022

To

1. The Principal Commissioner of Customs,
Air Cargo Complex,
Chennai VII Commissionerate,
New Custom House, GST Road,
Meenambakkam, Chennai 600 027.



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2.

Additional Director General,
Directorate of Revenue Intelligence,
Ministry of Finance,
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