



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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W.P(MD) .No.6871 of 2022

and

W.M.P(MD) .Nos.5282 and 5284 of 2022

M/s.Deepam International,
Rep. by its Proprietorix,
Mrs.Seema Devi Verma,
A2, Plot No.238, Koshay Apartment,
Gajendran Road,
Tiruverkadu Cooperative Nagar,
Tiruvallur-600 077,
Tamilnadu.

... Petitioner

Vs.

1.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin-628 004.

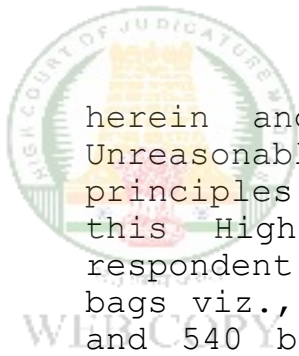
2.The Joint Commissioner of Customs,
Office of the Commissioner of Customs,
Custom House, Tuticorin-628 004.

3.The Assistant Commissioner of Customs
(Import-Assessment),
Group-1,
Custom House, New Harbour Estate,
Tuticorin-628 004.

4.The Assistant/Deputy Commissioner
of Customs (SIIB),
Custom House, New Harbour Estate,
Tuticorin-628 004.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order in Original No.05/2022, dated 15.02.2022, in C.No.VIII/10/30/2021-Adjn, DIN -20220281OH00008183E7, SCN No.36/2021, dated 05.10.2021/



herein and to quash the same as illegal, arbitrary, unfair, Unreasonable and without jurisdiction and in a clear violation of principles of natural justice and perverse on account of not obeying this High Court direction, consequently directing the second respondent to permit the petitioner to Re-Export the goods Viz., 540 bags viz., 27 MTS of "Unflavoured Supari (Split Betelnut Product)" and 540 bags 27 MTS of "Unflavoured Supari (Split Betelnut Product)" of Myanmar Origin Unflavored Supari imported from the Republic of the Union of Myanmar vide Bill of Entry No.3281965, dated 24.03.2021, totally valued at USD 36,450.00 and USD 27000.00, which was seized under Mahazar dated 12.04.2021 without insisting any Redemption Fine, penalty by waiving the charges towards Demurrage and Container Detention Charges.

For Petitioner : Mr.Thirumazhilmaran

For Respondents : Mr.R.Aravindan
Senior Standing Counsel

ORDER

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

2. This writ petition stands disposed of by considering that an impugned order has been passed ignoring the order, dated 08.02.2022 in W.P.(MD).No.10087 of 2021.

3. However, the impugned order has been passed as if the issue was still pending before this Court. There were some guidelines in the said order which was required to be followed by the respondents, while passing the impugned order, dated 15.12.2022, bearing reference C.No.VIII/10/30/2021-Adjn in Order in Original No.5 of 2022. In the order passed by this Court on 08.02.2022 in W.P.(MD).No.10087 of 2022, a reference was made to the decision of this Court in W.P.(MD).No.24062 of 2021, dated 29.11.2021 in the case of **M/s.Unik Traders Vs The Additional Commissioner of Cutoms and others**. That view has been accepted by the department in the case of **M/s.Unik Traders Vs The Additional Commissioner of Cutoms and others** and Order in Original No.87614 of 2022 has been passed by the jurisdictional Additional Commissioner of Customs (Import Assessment Chennai).

4. In the light of the above, I am inclined to quash the impugned order and remit the case back to the respondents to pass a fresh order within a period of thirty days from the date of receipt of copy of this order. It is needless to state that before passing any such order, the order passed on 08.02.2022 in W.P(MD).No.10087 of 2021 filed by the petitioner shall be considered and the



petitioner shall be heard. The petitioner is given liberty to make additional submissions, if any. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin-628 004.

2.The Joint Commissioner of Customs,
Office of the Commissioner of Customs,
Custom House, Tuticorin-628 004.

3.The Assistant Commissioner of Customs
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4.The Assistant/Deputy Commissioner
of Customs (SIIB),
Custom House, New Harbour Estate,
Tuticorin-628 004.

+1 CC to M/s.A.K.JAYARAJ, Advocate (SR-20968[F] dated 25/04/2022)

ORDER MADE IN
W.P (MD) .No.6871 of 2022
22.04.2022

PKP/12.05.2022/3P/6C