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W.P.Nos.5338, 5344 & 5438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.5338, 5344 & 5438 of 2023 and
WMP.Nos.5364, 5369 & 5470 of 2023

M/s.Roop Enterprises,
Rep., by its Proprietor Mr.Bhimsen.Parihari,
No.30, Wallers Road, 3rd Floor,
Chindadripet, Chennai – 600 002.

... Petitioner in all W.P.'s

Vs

- 1.The Principal Commissioner of Customs,
Chennai – VII, Air Cargo Complex,
Meenambakkam, Chennai – 600 027.
- 2.The Additional Commissioner of Customs,
Air Cargo Complex, Meenambakkam,
Chennai – 600 027.
- 3.The Deputy Commissioner of Customs,
Air Cargo Complex, Meenambakkam,
Chennai – 600 027.
- 4.The Additional Director General,
Directorate of Revenue Intelligence,
No.27, G.N.Shetty Road,
T.Nagar Chennai – 017.

[R4 impleaded vide order dated 06.04.2023
made in all W.P.Nos.5338, 5344 & 5438 of 2023]

... Respondents in all W.P.'s



PRAYER in W.P.No.5338 of 2023: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to release the goods totally 248 packages, weighing 3773.00 Kilograms of Chinese Mobiles LCD with touch (unbranded) imported vide Bill of Entry No.4299304, dated 21.01.2023, on the value declared by the petitioner at USD 36630.00 totally for 248 packages and further direct the respondents to issue Waiver Certificate for Detention and Demurrage charges under Regulation of Handling of Cargo in Customs Area Regulations, 2009.

PRAYER in W.P.No.5344 of 2023: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to release the goods totally 202 packages, weighing 3519.00 Kilograms of Chinese Mobiles LCD with touch, China Mobiles Back Case, Tempered Glass for Mobiles, Touch for Mobile Parts, Protective Film for Mobiles all unbranded imported vide Bill of Entry No.4299296, dated 21.01.2023, on the value declared by the petitioner at USD 28169.04.00 totally for 202 packages and further direct the respondents to issue Waiver Certificate for Detention and Demurrage charges under Regulation of Handling of Cargo in Customs Area Regulations, 2009.

PRAYER in W.P.No.5438 of 2023: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to release the goods totally 170 packages, weighing 2770.00 Kilograms of Chinese Mobiles LCD with touch, China Mobiles Back Case, Mini LCD for Mobile Parts, Touch for Mobile Parts, Optical Module etc., all unbranded imported vide Bill of Entry No.4336166, dated 24.01.2023, on the value declared by the petitioner at USD 20210.60 totally for 170 packages and further direct the respondents to issue Waiver Certificate for Detention and Demurrage charges under Regulation of Handling of Cargo in Customs Area Regulations, 2009.

in all WP's

For Petitioner

For Respondent

: Mr.A.K.Jayaraj

:Mr.K.Mohana Murali (For R1 to R3)

Senior Panel Counsel

Mr.V.Sundareswaran, (for R4)

Senior Panel Counsel



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COMMON ORDER

The common prayer in these Writ Petitions, filed by importers of Chinese Mobiles LCD with touch (unbranded) from Hongkong is for a Mandamus, directing the respondents, being various officials of the Department of Customs, to release the Goods on the value declared by the petitioner in the Bill of Entry. They further seek a direction to the respondents to issue Waiver Certificate for Detention and Demurrage Charges under Regulation of Handling of Cargo in Customs Area Regulations, 2009.

2. Today, Mr.A.K.Jayaraj, learned counsel appearing for the petitioner would submit that petitioner would not press these prayers, but instead, seeks leave of the court to file an application seeking provisional release before the appropriate authority.

3. The appropriate authority is, admittedly, the concerned authority before the Directorate of Revenue Intelligence, which is not a party before me. Hence, the Additional Director General, Directorate of Revenue Intelligence, Chennai is impleaded as R4 in all these Writ petitions and Mr.Sunil Kumar, accepts notice on their behalf.



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4. He expresses no objection, acceding to the suggestion of the Court that the petitioner may be permitted to file an application before R4 seeking provisional release.

5. Thus, mandamus is issued to R4, to dispose the applications if and when filed by the petitioner, seeking provisional release under Section 110(A) of Customs Act, 1962. Let the petitioner be heard and orders be passed thereafter, within a period of four weeks from the date of receipt of the applications.

6. In the aforesaid terms, these Writ petitions are disposed. No costs. Connected Miscellaneous Petitions are closed.

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06.04.2023

Index : Yes / No

Speaking Order / Non Speaking Order

Neutral Citation: Yes/No

Note: Registry is directed to carry out the necessary amendment in the cause title.

To

1.The Principal Commissioner of Customs,
Chennai – VII, Air Cargo Complex,
Meenambakkam, Chennai – 600 027.

2.The Additional Commissioner of Customs,
Air Cargo Complex, Meenambakkam,
Chennai – 600 027.

3.The Deputy Commissioner of Customs,
Air Cargo Complex, Meenambakkam,



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Dr.ANITA SUMANTH, J.

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WMP.Nos.5364, 5369 & 5470 of 2023**

06.04.2023