



W.P.No.26582 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.26582 of 2013

and

M.P.No.1 & 2 of 2013

BNR EXIM – Proprietary Concern,
Rep. By its Proprietor Mr.B.Nagaraj,
Old No.14, New No.6, Venugopal Street,
Vettri Nagar, Peravallur,
Chennai – 600 082.

.. Petitioner

VS

1.The Central Board of Excise and Customs,
Rep. By its Chairman,
Department of Revenue,
New Delhi.

2.The Director General of Foreign Trade,
Department of Commerce,
New Delhi.

3.The Commissioner of Customs (Expert)
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration calling for the records pertaining to the Boards instruction no. 450/39/2012 dated 16.04.2013 issued by the 1st respondent, the facility Circular No.5/2013 dated 22.05.2013 issued by the 3rd respondent and the PN No.23(Re-2013)/2009-14 dated 13.08.2013 issued by the 2nd respondent and declaring the



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same being without jurisdiction, arbitrary, illegal, discriminatory and ultra vires of the Constitution of India and the provisions of Customs Act, 1962 and Foreign Trade (Development & Regulation) Act, 1992. *[prayer amended vide order dated 09.11.2020 made in WMP 3743/2020 in WP 26582/2013]*

For Petitioner : Mr.Surendra Kumar Pandu
For Respondents : Mrs.R.Hemalatha
Senior Standing Counsel
for R1, R3

No appearance for R2

ORDER

Mr.Surendra Kumar Pandu, learned counsel, appears on behalf of the learned counsel on record for the petitioner and only requests for an adjournment. Mrs.R.Hemalatha, learned Senior Standing Counsel appears for the respondents.

2. This matter was admitted on 25.09.2013 and has been listed for hearing on more than two dozen occasions. A perusal of the docket-sheet reveals that there has been no effective hearing on any date as only adjournments have been sought.

3. At one point in time, there was a representation by the petitioner to the effect that the prayer was to be amended. This has



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not been done. On more than half-a-dozen occasions, there has been no representation on behalf of the petitioner. Hence, I see no reason to keep this writ petition pending any further as evidently the petitioner has no interest in pursuing the same.

4. Recording the sordid state of events as above, this writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

15.06.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To:

- 1.The Central Board of Excise and Customs,
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- 2.The Director General of Foreign Trade,
Department of Commerce,
New Delhi.
- 3.The Commissioner of Customs (Expert)
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DR. ANITA SUMANTH,J.

ssm

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