



W.P.No.6190 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14..03..2023

Coram

The Honourable **DR.JUSTICE ANITA SUMANTH**

Writ Petition No.6190 of 2020

M/s.PLG Impex
Plot No.41, Surevy No.890/18,
Ambaji Nagar -3,
Taluka Anjar, Shantidhan Road,
Versamedi Village,
Dist: Gandhidham, Gujarat – 370 110,
Khari Baoli, Delhi 110 006,
by its Proprietor Mr.Giriraj Gupta.

..... Petitioner

-Versus-

- 1.The Commissioner of Custom (Gr.2),
Chennai II Commissionerate,
Customs House,
No.60, Rajaji Salai,
Chennai 600001.
- 2.The Joint Commissioner of Customs (Gr.2),
Chennai II Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai 600001.
- 3.The Assistant Commissioner of Customs (Gr.2),
Chennai II Commissionerate,
No.60, Rajaji Salai, Custom House,
Chennai 600001.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the impugned communication of the respondents herein comprised in F.No. S.Misc. 1294/2020 Gr.2 DIN: 20200273MX0000E0749 Dated 28.02.2020 conveying the provisional release order passed by the competent / adjudicating authority and to quash the same, in so far as, it related to the condition directing the petitioner to execute a Bank Guarantee / Security (BG) for 115% of the differential duty for the provisional release of the goods seized ,in respect of (1) Bill of Entry No. 5709584 dated 16.11.2019 (2) Bill of Entry No. 5746089 dated 19.11.2019 and (3) Bill of Entry No 6277668 dated 28.12.2019 alone and consequently to modify the said onerous condition of execution of BG for 115% in terms of the rulings made by the Hon'ble Apex Court and also the directions rendered by this court and also various High Court of the Country r/w Customs (Provisional Duty Assessment) Regulations, 1963 and to consider the request of the petitioner for waiver of demurrage and detention charges of the subject 3 bills of entry.

For Petitioner : Mr.S.Baskaran

*For Respondents : Mrs.Hema Muralikrishnan,
Standing Counsel for RR1 to 3*



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ORDER

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This court by order dated 11.03.2020 passed the following order:-

“Mr.Rajasekar, learned Junior Standing Counsel accepts notice for the respondent and seeks some time to obtain instructions and file a counter.

2. The petitioner shall furnish a bank guarantee to the extent of 50% of the differential duty for the balance three out of the total four Bills of Entry. Upon furnishing of such bank guarantee, the consignments shall be provisionally released.

3. Liberty is granted to the respondent to continue with the proceedings for adjudication.

4. List on 16.04.2020. Counter by then with an advance copy served on the petitioner.”

2. The learned counsel for the petitioner states that the goods have been released and as regards the request of waiver of demurrage, the petitioner prefers to approach the authority and will pursue its application already filed in this regard.



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3. Recording the aforesaid submission of the learned counsel for

the petitioner, this writ petition is closed. No costs.

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Index : yes / no

Neutral Citation : yes

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To

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