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W.P.Nos.8351 & 8355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.8351 & 8355 of 2023

M/s. Aishwarya Impex
No.B-50, Sterling Apartment
Nandhivaram, Guduvanchery
Kanchipuram District – 603 202
Rep by its Proprietor Mr.Sivaram

... Petitioner in both W.P.'s

Vs

- 1.The Commissioner of Customs (Gr.2)
Import Commissionerate, No.60, Rajaji Salai,
Customs House, Chennai – 600 001.
- 2.The Addl. Commissioner of Customs (Gr.2)
Import Commissionerate , No.60, Rajaji Salai,
Customs House, Chennai – 600 001.
- 3.The Deputy Commissioner of Customs (SIIB)
Chennai III Commissionerate, No.60, Rajaji Salai
Customs House, Chennai – 600 001.

... Respondents in both W.P.'s

PRAYER in W.P.No.8351 of 2023: Writ Petition filed under Article 226 of
the Constitution of India praying to issue a Writ of Mandamus directing the 1st



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and 2nd respondent to ensure the compliance of the order dated 23.11.2022, issued by the 3rd respondent, granting Liner Detention Charges, in terms of Regulation 10(1) of the Sea Cargo Manifest and Transshipment Regulations, 2018, concerning the goods, covered under Bill of Entry No.8353466 dated 20.04.2022, and also by also considering the representation of the petitioner dated 16.02.2023.

PRAYER in W.P.No.8355 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Mandamus directing the 1st and 2nd respondent to ensure the compliance of the order dated 23.11.2022, issued by the 3rd respondent, granting waiver of demurrage charges, in terms of Regulation 6(1)(1) of Handling of Cargos in Customs Area Regulations, 2009, concerning the goods, covered under Bill of Entry No.8353466 dated 20.04.2022, and also by also considering the representation of the petitioner dated 16.02.2023.

In both W.P.'s
For Petitioner : Mr.S.Baskaran

For Respondents : Mr.G.Meganathan
Junior Standing Counsel

COMMON ORDER

Mr.G.Meganathan, learned Junior Standing Counsel accepts notice for the respondents and is armed with requisite instructions to enable this Court to dispose the matter finally, even at the stage of admission.

2. The petitioner, a company, seeks a mandamus directing the first and second respondents, being Commissioner of Customs (Gr.2) and Additional



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Commissioner of Customs (Gr.2) respectively, to comply with order dated 23.11.2022 issued by the third respondent, Deputy Commissioner of Customs (SIIB).

3. Orders dated 23.11.2022 have been passed by R3 granting Liner Detention Charges in terms of Regulation 10(1) of the Sea Cargo Manifest and Transhipment Regulations, 2018 and waiver of demurrage charges in terms of Regulation 6(1)(1) of Handling of Cargos in Customs Area Regulations, 2009, both concerning the goods, covered under Bill of Entry No.8353466 dated 20.04.2022.

4. It is seen that the petitioner has filed a representation dated 16.02.2023 in this regard before R1 and R2. Normally, this Court would not have been inclined to direct the respondents to dispose the representation, seeing as it has been filed so proximate to the filing of the Writ Petition itself. However, in this case, orders of R3 have been passed as early as on 23.11.2022.

5. That apart, Mr.Meganathan would also assure the Court that the aforesaid representation will be looked into, the petitioner heard and orders passed, within a period of four (4) weeks from today.

6. Hence, mandamus is issued to R1 to dispose representation dated 16.02.2023, after hearing the petitioner, on or before 20.04.2023, in accordance with law.



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Dr.ANITA SUMANTH,J.

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7. These Writ Petitions are disposed as above. No costs.

17.03.2023

Index : Yes / No

Speaking/non-speaking Order

Neutral Citation: Yes/No

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Note: Registry is directed to issue a copy of this order on or before 23.03.2023.

To

1.The Commissioner of Customs (Gr.2)

Import Commissionerate, No.60, Rajaji Salai,
Customs House, Chennai – 600 001.

2.The Addl. Commissioner of Customs (Gr.2)

Import Commissionerate , No.60, Rajaji Salai,
Customs House, Chennai – 600 001.

3.The Deputy Commissioner of Customs (SIIB)

Chennai III Commissionerate, No.60, Rajaji Salai
Customs House, Chennai – 600 001.

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