



Cont.P.No.2279 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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M/s.Azad Communication,
23/1941, Basav Nagar, Kagwad, Belgavi,
Belgaum, Karnataka – 591 223,
Rep. by its Proprietor Mr.Maulali

.... Petitioner

-Vs-

1. Mr.B.Senthil Velavan

The Additional Commissioner of Customs (SEZ),
Chennai VII Commissionerate, Customs House,
Meenambakkam, Chennai – 600 027.

2. Mr.Y.Srinivasamurthy,

The Deputy Commissioner of Customs (SEZ),
Chennai VII Commissionerate, Customs House,
Meenambakkam, Chennai – 600 027.

3. Mr.Anand Savalam,

The Deputy Commissioner of Customs (SIIB),
Chennai III Commissionerate, No.60, Rajaji Salai,
Customs House, Chennai – 600 001.

... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings and punish the respondents for willfully and contumaciously disobeying the orders passed by this Court in W.P.No.1310 of 2022 dated 28.02.2022.



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For Petitioner : Mr.S.Baskaran
For Respondent : Mrs.Hema Muralikrishnan
Standing Counsel

ORDER

This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 28.02.2022 made in W.P.No.1310 of 2022.

2. When this contempt petition came up for hearing on 01.02.2023, this Court issued statutory notice to the respondents 1 and 2, pursuant to which, the respondents 1 and 2 are before this Court and their presence is taken note of.

3. The learned Standing Counsel appearing for the respondents would submit that, pursuant to the representation of the petitioner, which was directed to be considered by this Court, an order has been passed on 05.04.2022 by the Deputy Commissioner of Customs (SIIB) to approach the Adjudicating Authority, pursuant to which, the petitioner had approached the Adjudicating Authority on 11.07.2022, where he had taken a stand that the petitioner is willing to pay the differential duty.



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5. Having considered the same, the Adjudicating Authority passed a detailed order on 01.08.2022 refusing or rejecting the plea of the petitioner by passing an order of confiscation of the goods. Therefore, the issue has been concluded, hence the order of this Court has been complied with by the respondents.

6. The said submission cannot be controverted by the learned counsel appearing for the petitioner.

7. In view of the aforesaid compliance made by the respondents, this Court feels that, no persuasive action is required in this contempt petition, hence it is closed.

8. Since it is submitted by the learned counsel appearing for the petitioner that the order passed by the Adjudicating Authority confiscating the goods of the petitioner dated 01.08.2022 has not been served on the petitioner, hence the learned counsel for the petitioner would submit that, had it been served on the petitioner, the petitioner would have chosen to file a writ petition before this Court in the manner known to law.



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WEB COPY Recording the aforesaid, liberty was given to the petitioner to challenge the said order in the manner known to law.

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Index : Yes/No
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R. SURESH KUMAR, J.
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