



WEB COPY



W.P.No.27233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.27233 of 2023

Seeni Mohamed

... Petitioner

Vs.

- 1.The Chief Commissioner of Customs,
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 2.The Principal Commissioner of Customs (Exports),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 3.The Commissioner of Customs (Exports),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 4.The Additional Commissioner of Customs (Exports),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 5.The Deputy Commissioner of Customs (EDI),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.
- 6.The Deputy Commissioner of Customs (ICEGATE),
No.60, Rajaji Salai, Customs House,
Chennai - 600 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents herein to consider the representation of the petitioner dated 15.04.2023, in so far, in the said representation, the petitioner had sought for to provide certain information/details and documents, pertaining to the alleged export made in the name of the petitioner's erstwhile proprietorship concern, viz., M/s.Bright Exim.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.M.Santhanaraman
Senior Standing Counsel

ORDER

Mr.M.Santhanaraman, learned Senior Standing Counsel takes notice on behalf of the respondents.

2. This writ petition has been filed for a Mandamus to direct the respondents to consider the petitioner's representations dated 06.04.2023 and 15.04.2023.



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3. The specific case of the petitioner appears to be that the petitioner was running a proprietorship concern called M/s.Bright Exim between 2004 and 2012 and thereafter had stopped the aforesaid business and had taken up his employment in abroad and returned to India only in the year 2016.

4. It is the case of the petitioner that the petitioner's Importer-Exporter Code (IEC) was misused by a third person, who appears to have made huge transactions of export for a sum of Rs.14,14,59,653/-, as a result of which, the petitioner is facing of proceedings under the IT Act.

5. The further case of the petitioner is that the information that has been called for by the petitioner by the aforesaid representations dated 06.04.2023 and 15.04.2023 will assist the petitioner/defend the petitioner in the parallel proceedings under the IT Act.

6. Specifically, it is submitted that the petitioner has not carried on any business between 2012 and 2016 and that the petitioner has also closed on the bank account and therefore, the exports made by unscrupulous persons using the IEC code of the petitioner is to be probed.



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8. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

9. The request of the petitioner appears to be genuine. Although the petitioner has an alternate remedy under the provisions of the RTI Act, I do not see any impediment on the part of the respondents from considering the representations dated 06.04.2023 and 15.04.2023 of the petitioner for furnishing the informations called for by the petitioner as the petitioner's name has been misused by the third person.

10. Considering the above, this Court is inclined to dispose this writ petition at the time of admission by directing the third and fifth respondents



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to verify whether the petitioner was the proprietor of M/s.Bright Exim and was holding the IEC No.040411519, if so, the respondents may consider the petitioner's representations dated 06.04.2023 and 15.04.2023 and furnish the requisite details regarding bills of entries and the other particulars called for by the petitioner in the second mentioned representation.

11. This exercise shall be carried out by the third and fifth respondents within a period of thirty days from the date of receipt of a copy of this order.

12. This Writ Petition stands disposed of with the above observations.

No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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C.SARAVANAN, J.

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