



W.P.Nos.27552 & 27555 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.27552 & 27555 of 2023

1.M/s.Skylark Office Machines,
Shop No.4, Ground Floor, Door No.10,
Aziz Nulk, 4th Street, Thousand lights,
Chennnai – 600 006.
Rep. by its Manager,
Hemchand Dubey ... Petitioner in W.P.No.27552 of 2023

2.M/s.Excel Copiers,
UB-14D, Arunachal Bhawan,
Barakhamba Road,
New Delhi – 110 001,
Rep.by its Partner,
Ankit Khetterpal ... Petitioner in W.P.No.27555 of 2023

Vs

1. The Commissioner of Customs (Chennai II) Import,
Custom House, No.60,
Rajaji Salai,
Chennai – 600 010.
2. The Additional Commissioner of Customs (Gr-5),
Custom House, No.60,
Rajaji Salai,
Chennai – 600 010.



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3. The Deputy Commissioner of Customs (Gr-5),
Special Economic Zone,
NDR Infrastructure Pvt. Ltd.,
FTWZ, Nandiambakkam, Ponneri Taluk,
Perumal Koil St, Voyalur,
Tamil Nadu – 600 120.

...Respondents in both

W.Ps.

PRAYER in W.P.No.27552 of 2023: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Respondents 1 – 3 herein to permit the Petitioner to conduct a 100% examination/inspection of the various models of Secondhand Highly Specialised Equipment – Digital Multifunction Print, Copying & Scanning machines, imported by the Petitioner and which have been submitted for clearance before the Respondents vide Bill of Entry No.1006906 dated 11.08.2023, by a DGFT approved Chartered Engineer for the purpose of ascertaining the quality of the models, Y.O.M., serial number, Country of Origin, voltage, working condition, residual life, weight of the individual machines and valuation.

PRAYER in W.P.No.27555 of 2023: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Respondents 1 – 3 herein to permit the Petitioner to conduct a 100% examination/inspection of the various models of Secondhand Highly Specialised Equipment – Digital Multifunction Print, Copying & Scanning machines, imported by the Petitioner and which have been submitted for clearance before the Respondents vide Bill of Entry Nos.1006905 and 1006907 dated 11.08.2023, by a DGFT approved Chartered Engineer for the purpose of ascertaining the quality of the models, Y.O.M., serial number, Country of Origin, voltage, working condition, residual life, weight of the individual machines and valuation.

For Petitioner : Mr.Nithyaesh Natraj
(in both W.Ps)
For Respondents : Mr.M.Santhanaraman



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(in both W.Ps) Senior Standing Counsel

COMMON ORDER

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

2.Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

3.Considering the prayer sought for in these writ petitions, Court is inclined to allow inspection of the various models of secondhand highly specialised equipment - Digital Multifunction printers/Copying and Scanning Machines imported by the petitioner by the Chartered Engineer for the purpose of ascertaining the quality of the models, Y.O.M., serial number, Country of Origin, voltage, working condition, residual life, weight of the individual machines and valuation.

4.The respondents shall facilitate the petitioner to get the imported consignments of multifunction devices inspected by their Chartered Engineer. This exercise shall be completed within a period of fifteen days from the date of receipt of copy of this order.



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5. These writ petitions stand disposed of with the above observations. No Costs.

20.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To

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No.60, Rajaji Salai,
Chennai – 600 010.
2. The Additional Commissioner of Customs (Gr-5),
Custom House,
No.60. Rajaji Salai,
Chennai – 600 010.
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C.SARAVANAN, J.

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