



WEB COPY

W.P.No.35057 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.35057 of 2022

M/s.Brill India Pvt. Ltd.,
No.106, 8th Main Road, Malleswaram
West Bangalore, Karnataka-560 055
Rep. by its Director R.Jayaram

... Petitioner

Vs.

1.The Commissioner of Customs (Gr.6)
Chennai II Commissionerate, No.60, Rajaji Salai,
Custom House, Chennai-600 001

2.The Deputy Commissioner of Customs, (Gr.6)
Chennai II Commissionerate, Rajaji Salai
Custom House, Chennai-600 001.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to issue necessary detention certificate, for waiver of demurrage/storage charges, concerning the goods, covered under Bill of Entry No.4281619 dated 11.06.2021, in terms of Regulation 6(1) of Handling of Cargos in Customs Area Regulations by also considering the representation of the petitioner dated 18.07.2022.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Umesh Rao
Senior Standing Counsel



ORDER

In light of memo dated 07.03.2023 reading thus,

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'The petitioner submits that originally the subject writ petition in W.P.No.35057/2022 was filed, seeking for a Writ of Mandamus, directing the respondents herein to grant waiver of demurrage/storage charges, concerning the goods, covered under Bill of Entry No.4281619 dated 11.06.2021, in terms of Regulation 6(1) of Handling of Cargos in Customs Area Regulations by considering the representation of the petitioner dated 18.07.2022.

2.Later, since the respondents have not complied the order passed by the Tribunal dated 24.06.2022, directing the release of goods vide Final Order dated 24.06.2022, which order came to be accepted, vide, communication dated 15.10.2022 given by Asst. Commissioner of Customs (Review Cell) Customs House, Chennai, accepting the order passed by the CESTAT, Chennai, one more writ petition in W.P.No.5770/2023, came to be filed, seeking to implement the order passed by CESTAT, based on the acceptance of the said order by the Review Cell, with a further prayer for granting waiver of demurrage/storage charges.

3.It is respectfully submitted that since a comprehensive prayer had been sought for in the writ petition in W.P.No.5770/2023, which is pending before this Hon'ble Court, it is respectfully submitted that this Hon'ble Court may be pleased to permit the petitioner to withdraw the subject writ petition in W.P.No.35057/2022, earlier filed, seeking for the relief of waiver of demurrage/storage charges under the Reg.6(1) of the Handling of Cargos in Customs Area Regulations. It is submitted that on instructions obtained from the petitioner; the present Memo is filed seeking the indulgence of this Hon'ble Court to permit the petitioner to withdraw the subject writ petition in W.P.No.35057/2022.

In view of the above said submissions, it is respectfully prayed that this Hon'ble Court may be pleased to permit the petitioner to withdraw the subject writ petition in W.P.No.35057/2022, pending on the file of this Hon'ble Court and thus render justice.'



W.P.No.35057 of 2022



this writ petition is dismissed as withdrawn. No costs.

VS

Index: Yes/No

Speaking/non-speaking order

Neutral Citation : Yes/No

To

- 1.The Commissioner of Customs (Gr.6)
Chennai II Commissionerate, No.60, Rajaji Salai,
Custom House, Chennai-600 001
- 2.The Deputy Commissioner of Customs, (Gr.6)
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Dr.ANITA SUMANTH,J.

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