



W.P.Nos.5275 & 5276 of 2011

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 29.08.2024**

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**CORAM :**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH  
and  
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

**W.P.Nos.5275 & 5276 of 2011  
and  
M.P.Nos.1 & 1 of 2011**

Shri Sardarmal Kothari  
Director : M/s. Kamachi Steel Ltd.,  
No.664, T.H.Road,  
Tondiarpet, Chennai – 600 081. .. Petitioner in both WPs

VS

- 1.The Central Board of Excise and Customs,  
Department of Revenue,  
North Block, New Delhi.
- 2.The Commissioner of Customs (Port-Import),  
Rajaji Salai, Chennai – 600 001.
- 3.The Commissioner of Customs & Central Excise,  
Ice House, EDC Complex,  
Potto Plaza, Panaji Goa. .. Respondents in both WPs

Prayer in WP.No.5275 of 2011: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, to call for the records relating to the order No.1/2011 Commr. (F.No.S/99-179/07Appg..) (S/10-01/11-Appg) dated 14.01.2011 passed by the 3<sup>rd</sup>



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respondent and to quash the same as without authority, nullity and passed after the scope and purpose of the Notification No.46/07-Cus.NT.dt.4-5-07 issued by the 1<sup>st</sup> respondent.

Prayer in WP.No.5276 of 2011: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Declaration, declaring the Notification No.46/07-Cus.NT dated 4-5-2007 issued by the 1<sup>st</sup> respondent is without authority of law in so far as the petitioner is concerned.

For Petitioners :Mr.K.Jayachandran (in WP.5275/2011)

Mr.M.A.Mudimannan (in WP.5276/2011)

For Respondents : Mr.P.Arun Prabhu  
for Mr.S.Gurumurthu,  
Senior Panel Counsel

**COMMON ORDER**

*(Order of the Court was made by Dr.ANITA SUMANTH.,J)*

Learned counsel appearing for the petitioner in WP.No.5275 of 2011 does not press this writ petition and makes an endorsement to this effect, recording which, WP.No.5275 of 2011 is dismissed as not pressed.

2.In view of the closure of WP.No.5275 of 2011, learned counsel for the petitioner in WP.No.5276 of 2011 would seek liberty to challenge the order impugned in this writ petition, which is an order-in-original



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dated 14.01.2011, by way of statutory appeal.

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3.Mr.P.Arunprabhu, learned counsel appearing for Mr.S.Gurumurthy, learned Senior Panel Counsel appearing for the respondents would not very seriously object to such liberty being granted. Hence, WP.No.5276 of 2011 is dismissed, though granting liberty to the petitioner to file an appeal against order dated 14.01.2011 within a period of four (4) weeks from date of receipt of a copy of this order, subject to the condition relating to pre-deposit being satisfied.

4.The respondent shall admit the appeal without reference to limitation, if the same is filed within the period as aforesaid, ensuring compliance with all statutory conditions including pre-deposit, hear the petitioner and dispose the appeal within a period of six (6) weeks from date of institution of the appeal, in accordance with law. No costs. Connected miscellaneous petitions are closed.

[A.S.M., J] [G.A.M., J]  
29.08.2024

Index:Yes/No  
Neutral Citation:Yes  
vs



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**DR. ANITA SUMANTH,J.**  
**and**  
**G. ARUL MURUGAN.,J**

VS

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**and**  
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