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W.P.Nos.5670, 5672 & 5674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

**THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.Nos.5670, 5672 & 5674 of 2024

and

W.M.P.Nos.6279, 6276 & 6278 of 2024

M/s. S. K. Impex,  
New No.22, (Old No.10), I Floor, Aziz Mulk,  
4<sup>th</sup> Street, Thousand Lights,  
Chennai – 600 006.  
Rep.by its Proprietor, Mr. Ankur Chhajer.

... Petitioner  
(in WP.5670/2024)

M/s. Growlam Office Private Limited,  
A-5/235, Basement,  
Paschim Vihar,  
New Delhi – 110 063.  
Rep.by its Director, Mr. Gaurav Khetterpal.

... Petitioner  
(in WP.5672/2024)

M/s. Maruti Enterprises,  
No.17/10, Aziz Mulk, 5<sup>th</sup> Street,  
Thousand Lights,  
Chennai – 600 006.  
Rep.by its Proprietor, Mr. Hansraj.

... Petitioner  
(in WP.5674/2024)

Versus



W.P.Nos.5670, 5672 & 5674 of 2024

- 1.The Commissioner of Customs (Chennai II) Imports,  
Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.
- 2.The Additional Commissioner of Customs (Gr.5)  
Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.
- 3.The Deputy Commissioner of Customs (Gr.5),  
Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.

... Respondents  
(in all W.P's)

**Prayer in W.P. No.5670 of 2024 :** Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1-3 herein forthwith to allow Provisional Release of 97 Units the various models of Secondhand Highly Specialized Equipments-Digital Multifunction Print and Copying Machines, imported by the petitioner and which have been submitted for clearance before the respondents vide Bill of Entry No.9980399 dated 05.02.2024 on execution of Simple Bond for 100 percent of enhanced value of goods and also payment of applicable total GST (Customs Duty is exempted) on the enhanced value, as appraised by the Chartered Engineers M/s. APGM Engineering Services Pvt. Ltd. in their reports vide Report No.APGM / 2324 / A142 dated 16.02.2024.

**Prayer in W.P. No.5672 of 2024 :** Writ Petition filed under Article



W.P.Nos.5670, 5672 & 5674 of 2024

226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1-3 herein forthwith to allow Provisional Release of 339 Units the various models of Secondhand Highly Specialized Equipments-Digital Multifunction Print and Copying Machines, imported by the petitioner and which have been submitted for clearance before the respondents vide Bill of Entry No.9843853 dated 27.01.2024 on execution of Simple Bond for 100 percent of enhanced value of goods and also payment of applicable total GST (Customs Duty is exempted) on the enhanced value, as appraised by the Chartered Engineers M/s. APMG Engineering Services Pvt. Ltd. in their reports vide Report No.APMG / 2324 / A128 dated 07.02.2024.

**Prayer in W.P. No.5674 of 2024 :** Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1-3 herein forthwith to allow Provisional Release of 96 Units the various models of Secondhand Highly Specialized Equipments-Digital Multifunction Print and Copying Machines, imported by the petitioner and which have been submitted for clearance before the respondents vide Bill of Entry No.9980705 dated 05.02.2024 on execution of Simple Bond for 100 percent of enhanced value of goods and also payment of applicable total GST (Customs Duty is exempted) on the enhanced value, as appraised by the Chartered Engineers M/s. APMG Engineering Services Pvt. Ltd. in their reports vide Report No.APMG / 2324 / A144 dated 16.02.2024.

**In all W.P's:**



W.P.Nos.5670, 5672 & 5674 of 2024

For Petitioner : Mr. Nithyaesh Nataraj,  
for Mr. Vaibhav R Venkatesh

For Respondents : Mr. B. Ramanakumar, Senior Standing Counsel,  
and Mr. B. Arvind Srevatsa, Junior Standing Counsel.

**COMMON ORDER**

All these matters pertain to the import of second hand digital multifunction printing and copying machines.

2. Both learned counsel for the respective petitioner and learned senior standing counsel for the Customs Department submit that a batch of writ petitions pertaining to the same goods were disposed of by order dated 23.11.2023 in W.P.Nos.29673 of 2023 batch.

3. The operative portion of the order of this Court in the above mentioned batch is as under:

*“(i) W.P.Nos.28817 and 30506 of 2023 are disposed of directing the petitioners to cause reply to the show cause notice issued to them and the respondent department is directed to consider the same and pass necessary orders within a stipulated time. As far as release of goods is concerned, the*



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W.P.Nos.5670, 5672 & 5674 of 2024

*same shall be released provisionally.*

*(ii) W.P.Nos.29673, 27544, 27547, 27548, 28115, 28119, 29678, 29680, 29684 of 2023 & 30490, 30492, 30495, 30496, 30498, 30500, 30501 & 30503 of 2023 are allowed and the following order is passed:*

*(a) That there shall be a direction to the respondents to consider the plea of the petitioners to release the goods by way of provisional release on condition that, the petitioner shall pay/deposit the enhanced duty amount. On receipt of such enhanced duty amount paid by the petitioners, the goods in question shall be released within a period of three (3) weeks thereafter.*

*(b) For payment of such duty, quantification shall be made by the Customs forthwith within one (1) week from the date of receipt of a copy of this order. On receipt of such quantification, the payment shall be immediately made by the petitioners and on receipt of the payment in entirety, the goods shall be released as indicated above at the outer limit of three (3) weeks.*

*(c) It is made clear that this order will not stand in the way for Customs Department to go ahead with the further proceedings including the*



W.P.Nos.5670, 5672 & 5674 of 2024

*adjudication in the manner known to law.*

*(d) It is further made clear that in the earlier interim order passed in a related writ petitions by an another Division Bench of this Court, that demurrage charges till date for the goods was directed to be considered for waiver. In this regard, if any application is filed by the petitioners seeking such a waiver of demurrage charges, the same shall be considered and decided by the respondents objectively.”*

4. All these writ petitions are disposed of on the same lines. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

**06.03.2024**

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation: Yes / No

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To

1.The Commissioner of Customs (Chennai II) Imports,



W.P.Nos.5670, 5672 & 5674 of 2024

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Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.

2.The Additional Commissioner of Customs (Gr.5)

Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.

3.The Deputy Commissioner of Customs (Gr.5),

Custom House,  
No.60, Rajaji Salai,  
Chennai – 600 001.



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W.P.Nos.5670, 5672 & 5674 of 2024

**SENTHILKUMAR RAMAMOORTHY, J.,**

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W.P.Nos.5670, 5672 & 5674 of 2024  
and  
W.M.P.Nos.6279, 6276 & 6278 of 2024

06.03.2024