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W.P.No.7187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7187 of 2024

Pyung Hwa India Pvt. Limited,
Represented by its Director Mr.Tae Kyung Kim,
Plot Nos.L11 & L12, SIPCOT Industrial Park,
Phase-II, Mambakkam,
Sriperumpudur-602 106.

...Petitioner

Vs.

1.Union of India,
Represented by its Revenue Secretary,
Ministry of Finance,
128A, North Block,
New Delhi-110 001.

2.The General Manager,
Reserve Bank of India,
Fort Glacis, 16, Rajaji Road,
Fort St. George,
Chennai-600 001.

3.Commissioner of Customs,
Chennai-IV (Export),
Custom House, No.60,
Rajaji Salai, Chennai-600 001.

4.The Assistant Commissioner of Customs-EDC,
Chennai-IV Commissionerate,
Custom House, No.60,
Rajaji Salai, Chennai-600 001.

5. KEB Hana Bank Limited,



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No.29, Bannari Amman Towers,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to issue an NOC for receipt of export proceeds and consequently amend the shipping bills as specified in the Annexure to this affidavit and consequently direct the 5th respondent to credit the amounts received by it from Donghee Otomotiv San Ve Tic Ltd., Turkey for the supplementary invoice dated 28.11.2023.

For Petitioner : Mr.J.V.Niranjan

For RR1, 3 & 4 : Mr.H.Siddarth,
Junior Standing Counsel

ORDER

By this writ petition, the petitioner seeks a direction to the 4th respondent to amend the shipping bills set out in the annexure to the affidavit.

2. The petitioner is engaged in the manufacture and supply of automobile components. In relation to supplies made to Donghee Otomotiv San Ve Tic Limited, Turkey, the petitioner entered into an agreement for revision of price. Pursuant thereto, a supplementary



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invoice was raised and, as a consequence, the petitioner requested for an amendment of the relevant shipping bills. Meanwhile, it is stated that the 5th respondent Bank is threatening to repatriate the money out of India. After submitting multiple representations, including the first representation dated 13.12.2023, the present writ petition was filed.

3. Mr.H.Siddarth, learned junior standing counsel, accepts notice for respondents 1, 3 and 4. By referring to the communication dated 29.01.2024, he points out that the application for amendment could not be proceeded with since the documents listed in this communication had not been provided earlier. He also points out that said documents were submitted by the petitioner on 06.02.2024 and that, therefore, there is no impediment to the disposal of the application for amendment.

4. In these circumstances, W.P.No.7187 of 2024 is disposed of by directing the 4th respondent to consider and dispose of the petitioner's application for amendment of the shipping bills listed in the annexure to the affidavit within a maximum period of six weeks from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner. Until such time, the 5th respondent is restrained from



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repatriating the money received in respect of supplementary invoice dated 28.11.2023 relating to those shipping bills out of India. There will be no order as to costs.

20.03.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

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To

1.Union of India,
Represented by its Revenue Secretary,
Ministry of Finance,
128A, North Block,
New Delhi-110 001.

2.The General Manager,
Reserve Bank of India,
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SENTHILKUMAR RAMAMOORTHY,J.



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4.The Assistant Commissioner of Customs-EDC,
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5.KEB Hana Bank Limited,
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