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W.P.No.11012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11012 of 2024

M/s.M.A.Wajid & Co.,
83/64, Gandhi Road
Ranipet, Vellore District 632 401
Rep. by its Proprietor Mr.Abdul Wajid

... Petitioner

-VS-

1.The Assistant / Deputy Commissioner of Customs (BRC-DBK)
O/o. The Commissioner of Customs, Chennai IV
No.60, Rajaji Salai, Customs House,
Chennai 600 001.

2.The Assistant Commissioner of Customs
Arrear Recovery Cell (Export Commissionerate)
O/o. The Commissioner of Customs, Chennai IV
No.60, Rajaji Salai, Customs House
Chennai 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the



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respondents herein to provide the petitioner with a certified copy of the order in original No.100630/2022 dated 26.12.2022, said to have been passed by the first respondent herein by considering the representation of the petitioner dated 03.02.2024, so as to entitle the petitioner to proceed in a manner known to law.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Rajinish Pathyil, Sr. SC

ORDER

The petitioner was engaged in the business of export of footwear. In relation thereto, the petitioner had availed of duty draw back subject to the condition that export proceeds are realized within the prescribed time limit. According to the petitioner, export proceeds were realized and relevant documents such as bank realization certificates were obtained. In those circumstances, the petitioner states that a communication dated 29.11.2023 was received referring to an order in original dated 26.12.2022. Upon receipt thereof, by letter dated 03.02.2024, the petitioner requested for a copy of the order in original since the petitioner did not have a copy of the same. By this writ petition, the petitioner seeks a direction for the



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issuance of such certified copy.

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2. Learned counsel for the petitioner referred to the documents placed on record in pages 19 to 59 of the typed set to establish that export proceeds were realized and that necessary documents in such regard are available. He further submits that the petitioner was not served with a copy of the order in original dated 26.12.2022.

3. Mr.Rajinith Pathyil, learned senior standing counsel, accepts notice for the respondents. He submits that it is not necessary to provide another copy of the order in original if the same had already been served on the petitioner previously in accordance with the Customs Act, 1962.

4. The relief prayed for is limited to a direction to provide a certified copy of the order in original. Even if the respondent had previously served the certified copy on the petitioner, it is always open to the respondents to state that the certified copy was served on



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the petitioner earlier and provide evidence thereof. This will not stand in the way of the respondents providing another copy thereof to the petitioner.

5. Therefore, W.P.No.11012 of 2024 is disposed of by directing the respondents to provide a certified copy of the order in original dated 26.12.2022 to the petitioner within *thirty days* from the date of receipt of a copy of this order. No costs.

26.04.2024

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Index : No
Internet : Yes
Neutral Citation: No

To

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O/o. The Commissioner of Customs, Chennai IV
No.60, Rajaji Salai, Customs House,
Chennai 600 001.

2.The Assistant Commissioner of Customs
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SENTHILKUMAR RAMAMOORTHY,J

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