



WEB COPY



W.P.No.16339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.16339 of 2023 &
W.M.P.Nos.15716 of 2023 & 4350 of 2024

M/s.Gokul Impex,
Represented by its Proprietor,
Mr.Gokulraj.R,
No.118/34, Kasthuribai Nagar,
VOC Street, Tambaram West,
Chennai - 600 045.
Chengalpattu District, Tamil Nadu.

... Petitioner

Vs.

- 1.The Commissioner of Customs (Export),
Chennai-IV Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.
- 2.The Additional Commissioner of Customs (EDC),
Chennai - IV Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.
- 3.The Joint Commissioner of Customs (DIU),
Docks Intelligence Unit,
Chennai III Commissionerate,
No.60, Rajaji Salai,
Chennai - 600 001.

... Respondents



W.P.No.16339 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to cause provisionally release of export goods without security in terms of Section 110A of the Customs Act, 1962 covered under Shipping Bill No.6294148, 6294487, 6295880 and 6296052 all dated 20.12.2022 and also issue a detention cum demurrage waiver certificate with respect to the seized goods in terms of the provisions of the Handling of Cargo in Customs House Area Regulation, 2009, subject to such terms and conditions.

(Prayer Amended vide order dated 17.03.2023 made in W.M.P.No.17563 of 2023 in W.P.No.16339 of 2023)

For Petitioner : Mr.E.Ramesh
For Respondents : Mr.K.Mohanamurali
Senior Panel Counsel

ORDER

According to the petitioner, the goods were borrowed from the L1 supplier. However, the Department suspected that the petitioner had purchased them as if from the L2 supplier. Consequently, the goods were kept idle for a period without any export. Hence, the petitioner filed this writ petition to cause provisional release of export goods without security.

2. However, during the pendency of the writ petition, the petitioner executed a bank guarantee, and the goods were released. Nevertheless, the prayer in the writ petition was for the release of goods without requiring a bank guarantee. Hence, the learned counsel now requests to raise the bank guarantee.



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3. In reply, the learned Senior Panel Counsel would submit that, unless there is any representation, they are not in a position to consider the matter, since the petitioner executed the bank guarantee on his own and the goods were released.

4. In view of the fact that the goods were released upon execution of the bank guarantee, the prayer in the writ petition has become infructuous. Accordingly, the writ petition is dismissed as infructuous. However, the petitioner is granted liberty to make a representation if they have any grievances concerning the execution of the bank guarantee to the concerned respondent within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the same, the concerned respondent is directed to take up the matter and pass necessary orders on merits and in accordance with the law within a period of two weeks thereafter. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

28.08.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY.J.,

r n s

To

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Chennai - 600 001.
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