



W.P.No.15765 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition No.15765 of 2024

M/s. Sai Balaji Fancy Store,
No.75, Thambu Chetty Street,
Second Floor, Shop No.43,
Chennai-600 001,
by its Proprietor Mr.Suresh Rajendran.

.. Petitioner

-VS-

1.The Additional Commissioner of Customs (Gr.2G),
Chennai II Commissionerate,
Customs House, No.60,
Rajaji Salai, Chennai-600 001.

2. The Deputy Commissioner of Customs (Gr.2G),
Chennai II Commissionerate,
Customs House, No.60,
Rajaji Salai, Chennai-600 001.

3.The Additional Commissioner of Customs (SIIB),
Chennai III Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai-600 001.



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4.The Deputy Commissioner of Customs (SIIB),
Chennai III Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai-600 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd and 4th respondents herein to forward the case file, concerning the Bill of Entry No. 9756252 dated 21.01.2024, to the 1st and 2nd respondents, so as to take decision by the said respondents, to consider the various representations made by the petitioner, including the representation dated 19.03.2024, in which representation, the petitioner had sought for re-export of the wrong shipment of goods, viz., Adult Toys, back to the supplier, as requested by the said supplier to the customs and also to release the other non-offending goods, viz., “Plastic Bottles for Lab” as declared in the subject bill of entry, pending any further investigation by the office of 3rd and 4th respondent, and also to further consider the request made for waiver of demurrage/storage charges.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.Avinash Wadhwani, Standing Counsel

ORDER

By this writ petition, the petitioner seeks the consideration and disposal of representations submitted to the respondents for re-export of



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goods wrongly shipped to the petitioner and for release of plastic bottles for lab.

2. Pursuant to purchase order dated 15.12.2023 for the supply of plastic bottles for lab, goods were released for home consumption under bill of entry No.9756252 dated 21.01.2024. It was subsequently discovered that the containers also contained adult toys. Upon realising the same, the petitioner raised the issue with the China based exporter. Such exporter addressed a communication to the Customs Department seeking re-export of such adult toys and clarified that such goods were wrongly loaded along with the goods intended for the petitioner. After submitting several representations, including representation dated 19.03.2024, the present writ petition was filed.

3. Learned counsel for the petitioner referred to the above mentioned documents and submitted that the petitioner has paid for goods imported under the above mentioned bill of entry. He further submits that the relief claimed is limited to the consideration of the representation dated 19.03.2024.



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4. Mr.Avinash Wadhwani, learned standing counsel, accepts notice for all the respondents. He submits that the Customs Act, 1962 imposes requirements for requests for re-export. He further submits that the representation dated 19.03.2024 would be considered and disposed of in accordance with law.

5. In view of the above submissions, and the limited nature of the relief claimed, this writ petition may be disposed of by directing the consideration and disposal of the representation.

6. Therefore, W.P.No.15765 of 2024 is disposed of without any order as to costs by directing respondents 1 & 2 to consider and dispose of the representation dated 19.03.2024 in accordance with law within eight weeks from the date of receipt of a copy of this order.

25.06.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No
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To
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SENTHILKUMAR RAMAMOORTHY,J

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