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W.P.No.26353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26353 of 2022

M/s.Mekins Industries Private Limited
Plot No.G-53/1, Sy.No.138, SIPCOT
Industrial Park, Vallam Vadagal Village
Sriperumbudur Taluk,
Kanchipuram District – 602 105,
Tamil Nadu
Represented by its Chief Accounts Officer
Shri V.Kadumbadi

....Petitioner

Vs

1. The Commissioner of Customs
Chennai -IV Commissionerae
Custom House,
No.60, Rajaji Salai
Chennai – 600 001.
2. The Additional commissioner of Customs
Chennai -IV Commissionerate
Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.
3. The Assistant/Deputy
Commissioner of Customs
Chennai IV, Custom House,
No.60, Rajaji Salai,
Chennai – 600 001.

....Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the respondents more particularly the 3rd respondent to cancel the Shipping Bill Nos.5532871 dated 12.07.2019 and 6084963 dated 06.08.2019, which were admittedly filed by unscrupulous persons.

For Petitioner : Mr.S.Krishnanandh

For Respondents : Mr.K.S.Ramasamy
Senior Standing Counsel

ORDER

This Writ Petition has been filed for a direction to the 3rd respondent to cancel the Shipping Bill Nos.5532871 dated 12.07.2019 and 6084963 dated 06.08.2019.

2. The case of the petitioner is that the petitioner's IE code has been misused and that unscrupulous exporters has used petitioner's IE code to export red sanders and that the petitioner was taken by surprise to find that the shipping bill was misused using petitioner's IE Code .

3. In the counter, it was stated in para (7) and para (13) as follows:

I submit that that The DRI Officers conducted investigation with various persons including the exporter and recorded statements. This is a case of attempted export of Red sanders logs which is a prohibited item. From the facts and



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documents available, it is clear that a well hatched plan was made to smuggle the Red Sanders. Show Cause Notice in F.No.DRI/CZU/VIII/48/ENQ 01/INT/2019 dated 05.02.2020 was issued to various notices involved in the alleged attempt / export of prohibited red sanders. The investigation having revealed that the Petitioner had no role to play in respect of the same, they were not made part of the SCN, nor a copy of the SCN marked to them.

I submit that the petitioner's apprehension is far sighted and does not show the reality. It is only the fear of the petitioner that the Reserve Bank of India would question them for non-receipt of export proceeds. Further, it is submitted that the question of realizing the remittance would arise only if the consignment had been exported. In this case, the subject consignment had not been exported and the same has been confiscated and hence the question of realization of export proceeds would not arise. However, if the Shipping bill still appears outstanding in EDPMS, and if requested by the petitioner, the department can write to the Additional Director (DG System and Data Management) to cancel both the Shipping Bills in EDPMS.

4. In view of the above, there is an admission by the respondent that, petitioner had no role to play in respect of the show cause notice in F.No.DRI/CZU/VIII/48/ENQ 01/NT/2019 dated 05.02.2020 which has been culminated in order-in-original No.86890 of 2021 dated 30.11.2021.



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Petitioner has made out the case. Since the data are electronically uploaded in the portal, this Court directs to the respondent to delete the name of the petitioner and the IE code from the shipping bills within a period of three months from the date of receipt of copy of the order and to proceed against the others who have been named in the Order-in-Original No.86890 of 2021 in accordance with law.

5. Accordingly, this Writ Petition is allowed. No costs.

18.11.2024

Index : Yes/No
Neutral Citation : Yes
Speaking order : Yes
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