



WEB COPY



W.P.No.32431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2024

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.32431 of 2024

M/s.A.K.Enterprises
No.13/1, Palla Street, 3rd Street,
Vyasarpadi, Chennai- 600 039
Rep by its Proprietor M.Kameshwaran ... Petitioner

..Vs..

The Additional Commissioner of Customs(Gr.6)
Chennai II Import Commissionerate
No.60, Rajaji Salai, Customs House
Chennai- 600 001. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent herein to consider the representation of the Petitioner dated 12.09.2024, in so far as, in the said representation, the Petitioner had sought for to issue necessary detention certificate, towards the waiver of the demurrage and container detention charges, concerning the Bill of Entry No.8789359 dated 16.11.2023 (Container No.WHSU5858302) in terms



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of Reg.6 (1) of the Handling of Cargoes in Customs Area Regulations, 2009 and Reg.10(1) of the Sea Cargo Manifest and Transshipment Regulations, 2018, and also in terms of various judicial pronouncements rendered in this regard.

For Petitioner : Mr.S.Baskaran

For Respondent : Mr.Rajendran Raghavan
Senior Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to the Respondents herein to consider the representation of the Petitioner dated 12.09.2024, in so far as, in the said representation, the Petitioner had sought for to issue necessary detention certificate, towards the waiver of the demurrage and container detention charges, concerning the Bill of Entry No.8789359 dated 16.11.2023 (Container No.WHSU5858302) in terms of Reg.6 (1) of the Handling of Cargoes in Customs Area Regulations, 2009 and Reg.10(1) of the Sea Cargo Manifest and Transshipment Regulations, 2018, and also in terms of various judicial pronouncements rendered in this regard.



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2. Mr.Rajendran Raghavan, learned Senior Standing Counsel takes

notice on behalf of the Respondent.

3. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the Petitioner would submit that the Petitioner is the proprietorship concern, engaged in the business of import and trading of stationery, household and various other goods. He further submitted that during the course of business, the Petitioner imported one consignment, covered under Bill of Entry No.8789359 dated 16.11.2023, which during investigation found that in addition to the declared goods, there was some other BIS violated goods which was not ordered by the Petitioner. The Petitioner immediately contacted the overseas supplier, who after having made thorough investigation on their side, had accepted the inadvertent mistake committed by them in the Labour and Transport Department, which fact was also informed to the customs authorities, but despite the same, the Authorities after issuance



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of Show Cause Notice passed an order dated 16.07.2024, allowing redemption of goods on payment of fine and penalty for home consumption, while the other goods were ordered for confiscation.

5. Further, he would submit that since the demurrage and detention charges of the containers had been escalating/mounting day by day, made a representation dated 12.09.2024 to the Respondent seeking to issue necessary detention certificate, towards the waiver of the demurrage and container detention charges, concerning the Bill of Entry No.8789359 dated 16.11.2023 in terms of Reg.6(1) of the Handling of Cargos in Customs Area Regulations, 2009 and Reg.10(1) of the Sea Cargo Manifest and Transshipment Regulations. As the same did not evoke any response, the Petitioner has filed this Writ Petition seeking for the aforesaid relief.

5. Mr.Rajendran Raghavan, learned Senior Standing Counsel appearing for the Respondent would submit that the Respondent may be



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directed to consider and pass orders on the representation of the
Petitioner dated 12.09.2024 within a stipulated period.

6. In view of the limited scope of relief sought for by the
Petitioner, this Court, without expressing any opinion on the merits of
the case, directs the Respondent to consider and pass orders on the
representation of the Petitioner dated 12.09.2024, on merits and in
accordance with law, within a period of four weeks from the date of
receipt of a copy of this order, after giving an opportunity of hearing to
the Petitioner as well as to parties concerned.

7. With the above directions, this writ petition is disposed of. No
costs.

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Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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KRISHNAN RAMASAMY.J.,

arr

To

The Additional Commissioner of Customs(Gr.6)
Chennai II Import Commissionerate
No.60, Rajaji Salai, Customs House
Chennai- 600 001.

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