



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos. 8411 and 8413 of 2021

and

WMP No. 8958 OF 2021

WP.No.8411 of 2021

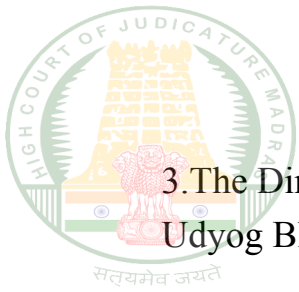
M/s.Sunbright Fashions India Pvt. Ltd.,
Rep by its Managing Director
R.Ganesan, No.B14, 3rd floor ,
Industrial Estate Guindy,
Chennai- 600 032.

Petitioner(s)

.Vs.

1. The Joint Commissioner
(EODC- Advance),
Office of the Commissioner of Customs,
Chennai - IV, Custom House NO.60
Rajaji Salai, Chennai- 600 001.

2.The Joint Director General of
Foreign Trade, 5th Floor,
Shastri Bhavan Annexe,
No.26, Haddows Road
Chennai- 600 006.



3. The Director General of Foreign Trade
Udyog Bhawan. Delhi- 110 011.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the record of the 1st Respondent order dated 22.12.2020 in Order- In- Original No. 78487 of 2020, and quashing the same, and consequently direct the 1st Respondent to not to take any further proceedings until the disposal of review petition dated 17.09.2012 filed before the 3rd Respondent .

WP No. 8413 of 2021

1. M/s.Sunbright Fashions India Pvt. Ltd
Rep by its Managing Director R.Ganesan,
No.B14, 3rd floor , Industrial Estate Guindy,
Chennai- 600 032.

Petitioner(s)

.Vs.

1. The Joint Commissioner
(EODC- Advance),
Office of the Commissioner of Customs,
Chennai - IV, Custom House NO.60 Rajaji
Salai, Chennai- 600 001.

2. The Joint Director General of
Foreign Trade, 5th floor, Shastri Bhavan
Annexe, No.26, Haddows Road,
Chennai- 600 006.

3. The Director General of Foreign Trade
Udyog Bhawan. Delhi- 110 011.



Respondent(s)

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd Respondent to dispose of the review petition dated 17.09.2012, filed by the petitioner against order - in-original bearing reference F.No. 04/ 84/ 040/ 10/ AM 05 dated 13.06.2011 within reasonable time and pass.

For Petitioner(s): Hari Radhakrishnan
(in Both WPs)

For Respondent(s): Mr.V.Chandrasekaran
(In Both WPs) Senior Panel Counsel
for R1 & R2

COMMON ORDER

WP.No.8411 of 2021, has been filed challenging the proceedings of the 1st respondent dated 22.12.2020 and for a consequential direction to the 1st respondent not to take any further proceedings until the disposal of review petition dated 17.09.2012 filed before the Director General of Foreign Trade [DGFT] viz., the 3rd respondent. WP.No.8413 of 2021, has been filed for a direction to the 3rd respondent to dispose of the review petition dated 17.12.2012, filed by the petitioner within the time frame fixed by this Court.



2. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that during the pendency of these writ petitions, the 3rd respondent had already passed an order in the review petition. Therefore, the scope of the present writ petitions no longer survives since these writ petitions were filed only to safeguard the right of the petitioner pending the review petition before the 3rd respondent.

3. In the light of the above development and by considering the submissions made on either side, the petitioner has to necessarily challenge the proceedings of the 1st respondent only before the Commissioner of Customs (Appeals). Since the petitioner had filed the writ petitions within a reasonable time, liberty is granted to the petitioner to approach the Commissioner of Customs (Appeals) under Section 128(1) of the Customs Act, 1962. This appeal ought to have been filed within a period of 60 days from the date of communication of the order passed by the 1st respondent. These writ petitions have been filed within that period and therefore, the appeal shall be entertained and dealt with on merits and in accordance with law.



WEB COPY

4. There shall be a direction to the petitioner to file the appeal before the Commissioner of Customs (Appeals) within a period of two weeks from the date of receipt of copy of the order.

5. The Registry is directed to return back the original order passed by the 1st respondent dated 22.12.2020, in order to enable the petitioner to file the same before the Commissioner of Customs (Appeals).

6. Both the writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

26-09-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KP



To
WEB COPY

- 1.The Joint Commissioner
(EODC- Advance), Office of the
Commissioner of customs, Chennai - IV,
Custom House NO.60 Rajaji Salai,
Chennai- 600 001.
- 2.The Joint Director General of
Foreign Trade, 5th floor, Shastri Bhavan
Annexe, No.26, Haddows Road,
Chennai- 600 006.
- 3.The Director General of Foreign Trade
Udyog Bhawan. Delhi- 110 011.



WEB COPY

WP No. 8411 of 2021



N.ANAND VENKATESH J.

kp

WP Nos. 8411 & 8413 of 2021

26-09-2025