IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.11231 of 2024 and W.M.P. Nos.12325 & 12333 of 2024

M/s.Tablets (India) Ltd.,
rep. by its Authorised Signatory and
Senior General Manager (Imports)
R.Lakshmi Narasimhan .. Petitioner

vs.

1.The Commissioner of Customs (Imports),
Commissionerate-II, Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.

2.The Assistant Commissioner of Customs,
Group - 5A (EPD),
Office of the Commissioner of Customs-II,
(Imports), Custom House,
No.60, Rajaji Salai,
Chennai - 600 001. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records in and connected with F.No.CUS/EPF/OTH/18/2022/EPD dated 21.02.2024 and 18.03.2024 issued by the second respondent and quash the same as the demand made therein does not survive substantially.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Ms.Anu Ganesan,
Junior Standing Counsel

ORDER

This writ petition has been filed, challenging the impugned demand notices dated 21.02.2024 and 18.03.2024 issued by the second respondent.

2.Under Notification No.50/2017, the clearance of raw materials under IGCRD Rules, 2017, the petitioner is entitled for concessional customs duty in respect of the imported raw materials. However, the said concessional duty as per the aforesaid Notification could be utilised for the intended purpose or to re-export the same within a period of six months from the date of import. Since the petitioner did not utilise the imported materials within the period of six months from the date of import, the respondents have issued the impugned demand notices dated 21.02.2024 and 18.03.2024 calling upon the petitioner to pay an amount of Rs.33,53,936/- in respect of the 14 Bills of entries for which concessional duty is applicable as per Notification No.50/2017 dated

30.06.2017. The petitioner has challenged the impugned demand notices on the ground of violation of principles of natural justice as according to them, the respondents have not granted any opportunity of hearing to the petitioner and therefore, the impugned demand notices were sent.

3.Learned counsel for the petitioner, on the last hearing date i.e. 14.03.2025, sought time to get instructions as to whether the petitioner will be in a position to pay the amount demanded in the impugned notices if sufficient time is granted by this Court to the petitioner for payment of the same.

4.Today, learned counsel for the petitioner, on instructions would submit that the petitioner is willing to pay the amount demanded by the respondents in the impugned demand notices after adjusting the payment made by the petitioner subsequent to the issuance of the impugned demand notices. According to the respondents, a sum of Rs.16,66,961/- is due and payable by the petitioner to the respondents, after adjustment of the payment made by the petitioner pursuant to the issuance of the impugned demand notices.

5.Since the petitioner is willing to pay the said sum, provided sufficient time is granted, this Court is of the considered view that a direction can be issued to the petitioner to pay a sum of Rs.16,66,961/- to the respondents within a period of two months from the date of receipt of a copy of this order.

6.Learned Junior Standing Counsel for the respondents would submit that two months time is on the higher side.

7.Since the respondents are going to receive revenue and a period of two months is also not a long time, this Court is of the considered view that two months time will have to be fixed for the petitioner to make the payment pursuant to the issuance of the impugned demand notices.

8.Accordingly, this writ petition is disposed of by directing the petitioner to pay a sum of Rs.16,66,961/- to the respondents pursuant to the impugned demand notices within a period of two months from the date of receipt of a copy of this order, failing which the respondents shall recover the said amount together with interest and other legal entitlements in the manner known to the respondents under law. No costs.

21.03.2025

Index: Yes/No
vga

To

1.The Commissioner of Customs (Imports),
Commissionerate-II, Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.

2.The Assistant Commissioner of Customs,
Group - 5A (EPD),
Office of the Commissioner of Customs-II,
(Imports), Custom House,
No.60, Rajaji Salai,
Chennai - 600 001.

ABDUL QUDDHOSE, J.

vga

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