



WEB COPY

WP No. 16592 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 16592 of 2024

and

W.M.P.No.18201 of 2024

M/s.N.C.Alexander,
T/h-24, Anna Fruit Market, Koyambedu,
Chennai-600 092, Rep. By Its Proprietor
N.C.Alexander.

..Petitioner(s)

Vs

1. Commissioner Of Customs, Chennai II,
Commissionerate, Custom House, No.60, Rajaji
Salai, Chennai-600 001.
2. Additional Commissioner Of Customs (group
1)Office Of The Commissioner Of Customs,
Chennai II (imports), Custom House, No.60,
Rajaji Salai, Chennai-600 001.
3. Assistant/Deputy Commissioner And Customs
(group 1)Office Of The Commissioner Of
Customs, Chennai II (imports), No.60, Rajaji
Salai, Chennai-600 001.

..Respondent(s)

Directing the respondents, more particularly the 3rd respondent to
assess and cause release of goods imported vide Bill of Entry No. 8838798
dated 20.11.2023 pertaining to import of appeals of various grades and counts
from Turkey vide the above referred Bill of Entry covered under commercial
invoice, pending clearance, by way of furnishing a Simple Bond as prescribed
by the Apex Court in SLP (Civil) Diary No(s). 6433/2024

For Petitioner(s):

Mr.M.HARRIVISWANAATH
FOR MR B.SATISH SUNDAR

For Respondent(s):

Mr. UMESH RAO K, SSC



ORDER

This writ petition has been filed seeking for a direction to the third respondent to release the goods in favour of the petitioner pertaining to the Bill of Entry morefully described in the prayer to this writ petition.

2. The learned counsel for the petitioner on instructions submits that since the goods have been destroyed, the relief prayed for by the petitioner for release of the goods cannot be granted by this Court. Hence, this writ petition may be disposed of as infructuous. However, at the same time, he submits that the petitioner is entitled for waiver of demurrage / detention charges.

3. This Court is of the view that such a relief cannot be granted by this Court in this writ petition, and the petitioner will have to work out his remedy by giving a representation to the respondents seeking for waiver of demurrage/detention charges in the manner known to them under law, and the respondents will have to consider the same as and when such a representation is given by the petitioner, on merits and in accordance with law.

4. For the foregoing reasons, since the goods have already been destroyed, the prayer sought for in this writ petition cannot be granted, and accordingly, this writ petition is disposed of as infructuous. However, liberty is



granted to the petitioner to submit a fresh representation seeking for waiver of demurrage/detention charges to the respondents, and once such a representation is received, the respondents will have to consider the same on merits and in accordance with law, as expeditiously as possible. No Costs. Connected W.M.P.No.18201 of 2024 is closed.

16-12-2025

Neutral Citation: Yes/No
RKM

To

1. Commissioner Of Customs, Chennai Ii,
Commissionerate, Custom House, No.60, Rajaji
Salai, Chennai-600 001.
2. Additional Commissioner Of Customs (group
1)Office Of The Commissioner Of Customs,
Chennai Ii (imports), Custom House, No.60,
Rajaji Salai, Chennai-600 001.
3. Assistant/deputy Commissioner And Customs
(group 1)Office Of The Commissioner Of
Customs, Chennai Ii (imports), No.60, Rajaji
Salai, Chennai-600 001.



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ABDUL QUDDHOSE, J.

RKM

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