



W.P.No.29591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.08.2025**

CORAM

THE HONOURABLE MR JUSTICE **ABDUL QUDDHOSE**

W.P.No.29591 of 2025

and

W.M.P.No.33149 of 2025

M/s.Western Textiles,
Building No.CP-11-22/A,
Chirakkal PO, Kanchirathar,
Kanoor District, Kerala – 670 011,
Rep. by its Partner,
Shri Shahin Pallikaldy

... Petitioner

VS.

1.The Commissioner of Customs,
Chennai IV Commissionerate,
Customs House, 60, Rajaji Street,
Chennai – 600 001.

2.The Deputy Commissioner of Customs (Dock Admin),
Office of the Commissioner of Customs,
Chennai IV Commissionerate,
Customs House, 60, Rajaji Street,
Chennai – 600 001.

3.The Assistant Commissioner of Customs,
Arrears Recovery Cell,
Export Commissionerate,
Chennai IV Commissionerate,
Customs House, 60, Rajaji Street,
Chennai – 600 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in and connected with Order-in-Original No.91254/2022 dated 30.6.2022 emanating from F.No.S.MISC.2/1449/2016-BRC(DBK) C-IV, quash the same and direct the said respondent to grant fresh opportunity of hearing on the Show Cause Notice dated 29.5.2017 and pass appropriate orders after considering the submissions/materials adduced by the petitioner.

For Petitioner : Mr.B.Satish Sundar
For Respondents : Mr.Arvind Srevatsa
Junior Panel Counsel

ORDER

This Writ Petition has been filed challenging the impugned order in original dated 30.06.2022 passed by the 2nd respondent confirming the demand of Rs.3,14,849/- against the subject shipping bills as detailed in the impugned order under Rule 16(a) of the Customs and Central Excise Duties Drawback Rules, 1995 along with applicable interest under Section 75A(2) of the Customs Act, 1962. The 2nd respondent also imposed a penalty of Rs.15,700/- on the petitioner under Section 117 of the Customs Act, 1962.

2. The petitioner has challenged the impugned order in original on



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the ground of violation of principles of natural justice. According to the petitioner, none of the notices referred to in the impugned order in original were served on the petitioner by the 2nd respondent. According to the petitioner, the respondents have initiated mass recovery proceedings against several exporters solely based on the non-availability of proof of realization and not due to any fraudulent claim. The petitioner claims that they are in possession of BRCs for the subject shipping bills. They are willing to produce the same before the 2nd respondent, if the matter is remanded back to the 2nd respondent for fresh consideration.

3. The learned counsel for the petitioner has also obtained instructions from the petitioner that the petitioner is willing to deposit a sum of Rs.1,50,000/- as a condition for quashing the impugned order in original and for remanding the matter back to the 2nd respondent for fresh consideration.

4. Till date, counter has not been filed by the respondents. There is also no proof available before this Court to establish that all the notices sent by the 2nd respondent were duly served on the petitioner. Therefore, this Court is of the considered view that the contention of the petitioner



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that they never received any notice from the 2nd respondent prior to the passing of the impugned order in original has to be accepted. Therefore, on the ground of violation of principles of natural justice, the impugned order in original has to be quashed subject to the condition that the petitioner deposits a sum of Rs.1,50,000/- with the 2nd respondent, within a time frame to be fixed by this Court.

5. Accordingly, the impugned order in original dated 30.06.2022 passed by the 2nd respondent is hereby quashed and the matter is remanded back to the 2nd respondent for fresh consideration on merits and in accordance with law, on condition that the petitioner shall deposits a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with the 2nd respondent on or before 17.09.2025. On such deposit being made by the petitioner within the stipulated time, the 2nd respondent shall pass orders on merits and in accordance with law within a period of three (3) months thereafter, after affording an opportunity of personal hearing and by adhering to the principles of natural justice and also by permitting the petitioner to produce all relevant documents in support of their case, which includes the Bank Realization Certificates (BRC). It is made clear that if the petitioner fails to comply with the condition imposed by the



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Court, this Writ Petition shall stand automatically dismissed and the impugned order in original shall automatically stand restored.

6. With the above observations and directions, this Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

1.The Commissioner of Customs,
Chennai IV Commissionerate,
Customs House, 60, Rajaji Street,
Chennai – 600 001.

2.The Deputy Commissioner of Customs (Dock Admin),
Office of the Commissioner of Customs,
Chennai IV Commissionerate,
Customs House, 60, Rajaji Street,
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ABDUL QUDDHOSE. J.

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3.The Assistant Commissioner of Customs,



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