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SUB A(MD) NO. 476 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

SUB A(MD) NO. 476 of 2025

M/s.Shahnaz Commodities International P Ltd
715, 7th Street, Spencer Plaza
Suite 652, Mount Road
Chennai - 600002.

Petitioner(s)

Vs

1.Dinesh Singh,
The Additional Director General,
O/o.Director of Revenue Intelligence,
Zonal Unit - Lucknow,
2/32, Vishal KHAND, Gomti Nagar,
Lucknow - 226 010.

2.Shishir Kumar Sinha,
The Assistant Director,
O/o.Director of Revenue Intelligence,
Zonal Unit - Lucknow,
2/32, Vishal KHAND, Gomti Nagar,
Lucknow - 226 010.

3.Vikas Nair,
The Commissioner of Customs,
Custom House,
New Harbour Estate,
Tuticorin - 628 004.

4.Aniket,
M/s.Hapag Lloyd India Pvt. Ltd.,
93C/84/31, Rajiv Nagar,



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4th Street North,
Tuticorin - 628 008.

5.Moses,
The Manager,
M/s.ALS Tuticorin Terminal Pvt. Ltd.,
Container Freight Station,
Survey No.998, Meelavittan Village,
Fisheries Colony,
Harbour Express High Road,
Tuticorin - 628 008.

6.Shankar,
The Manager,
M/s.Prompt Terminals (P) Ltd.,
No.24/3, Ayyanadaippu Village,
Madurai Bypass Road,
Tuticorin - 628 101.

7.Sathish Ford,
Senior Manager – Sales,
M/s. Sical CFS, Tuticorin
No. 1297/1, 2, 3A and 3B
Madurai By-Pass Road
Opp. SIPCOT Office
Tuticorin -628101.

Respondent(s)

For Petitioner (s):

Mr.Vijay Narayan, Senior Counsel
For Mr.E.Ramesh

For Respondent(s):

Mr.K.Govindarajan,
Deputy Solicitor General of India for R1 & R2.
Mr.N.Dilip Kumar for R3.



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Mr.T.Balaji for R4.
Mr.T.Sakthikumaran for R5.
Mrs.V.Neelaveni for R6
Mr.S.Vasudevan for R7

Prayer: To direct the Contemnor/ Respondent No. 4 to comply with the Order dated 10.10.2025 in Sub Application (MD) No. 419 of 2025 and further direct Contemnor/Respondent NO. 7 to release the goods covered under Bills of Entry No. 5576076 DT 13.09.2024 (B/L No. HLCUJK12407AQAE9 DT 13.08.2024), 5576077 DT 13.09.2024 (B/L No. HLCUJK12407AOWS3 DT 13.08.2024) unconditionally, pending disposal of the above contempt petition, and pass such further or other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

ORDER

Heard both sides.

2.On 27.10.2025, Sub.A.(MD)No.475 of 2025 was allowed by me and M/s.Sical CFS, Tuticorin was impleaded as the seventh respondent in this sub application. On 10.10.2025, Sub.A.(MD)No.419 of 2025 in Cont.P.(MD)No.2773 of 2025 was allowed in the following terms:-

“2.The writ petitioner is an importer of roasted areca nuts. The goods were not released by the Tuticorin customs at the instance of DRI. That led to filing of



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W.P.(MD)Nos.27615 and 27895 of 2024. The writ petitions were allowed vide order dated 03.06.2026. Subsequently, the matters were listed under the caption “for being mentioned” on 05.06.2025. Paragraph No.7 of the order dated 05.06.2025 reads as follows:-

“7. In view of the submissions made by the learned counsel for the petitioner and considering the perishable nature of the goods, the prolonged period of detention and the potential hardship likely to be caused to the petitioner in the absence of effective relief, this Court deems it appropriate to issue the following further directions. In view of the same, Paragraph No.30 of the order dated 03.06.2025, shall be substituted as follows:-

30. This Court issues the following further directions:-

(i) The respondent / Additional Director General, O/o.Director of Revenue Intelligence, Zonal Unit, Lucknow, is hereby directed to issue appropriate waiver certificates towards storage charges (CFS charges) and detention cum demurrage charges (Shipping Liner charges) in accordance with the relevant provisions of the Handling of Cargo in Customs Areas Regulations, 2009 and the Sea Cargo Manifest and Transhipment Regulations, 2018, for the entire period of detention of the goods, till the clearance of the goods on the strength of the certificates.

(ii) The respondent / Commissioner of Customs, Tuticorin, is directed to release the goods on a provisional basis, subject to the execution of a simple test bond by the petitioner, pending completion of the formal testing and other procedures by the Customs Authorities. Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected



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Miscellaneous Petitions are closed.

3. Aggrieved by the same, DRI filed W.A.(MD)Nos. 2437 and 2438 of 2025. Interim stay was originally granted. Subsequently, it was modified on 07.10.2025 by the Hon'ble Division Bench and investigation in the matter was allowed to go on. In other words, the direction for release of good on provisional basis subject to execution of simple test bond by the petitioner and the direction for issuance of appropriate waiver certificate towards storage charge and detention / demurrage charges were not stayed. In other words, the directions set out in Paragraph No. 17(30)(i) and (ii) will have to be enforced.

4. It is true that the respondents 4 to 6 in the present contempt proceedings were not parties to the writ proceedings. But then, an order passed by this Court can be enforced even against third parties. The aforesaid third parties are fully cognizant of the directions given by this Court.

5. The fourth respondent is the ship-liner. The goods are now in the custody of the respondents 5 and 6.

6. The fourth respondent is directed to immediately



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issue a delivery order so as to facilitate compliance of the directions given by this Court. This shall be done positively within 48 hours. In any event, the respondents 5 and 6 are directed to release the goods to the petitioner.

7.The writ petitioner of course has to pay the handling charges. As regards payment of detention cum demurrage charges, the liability can be adjudicated later.

8.The respondents 4 to 6 are directed to comply with the order of this Court without waiting for a certified copy of the order.

9.This sub application is allowed accordingly.”

3.This sub application is also allowed on the same lines as against the seventh respondent.

03-11-2025

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Issue order copy on 04.11.2025.



To

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