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WP No. 11504 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 11504 of 2026
and WMP.Nos.12547 & 12550 of 2026**

M/s. Taz International
Rep. By its proprietor Mr. I.Mohammed Ali,
9/4 Echankaranai main road,
Mahindra world city,
Chengalpattu 603002, Tamil Nadu

..Petitioner(s)

Vs

1. The Principal Commissioner Of Customs
(Chennai-III)
Custom house, No. 60 Rajaji Salai,
Chennai 600 001
2. The Additional Commissioner Of Customs
(NDR-FTWZ),
O/o. The Principal Commissioner of Customs,
Preventive Commissionerate,
Custom House, No. 60 Rajaji Salai,
Chennai 600 001
3. The Authorised Officer, FTWZ
M/s. NDR Infrastructure Private Limited,
Nandiambakkam , Ponneri Taluk,
Chennai 600 120

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records in F.NO.GEN/ADJ/Misc/331 /2025 - ADJN dated 16.07.2025, passed by the 2nd Respondent herein in petitioner's Bill of Entry No. 7753627 dated 13.01.2025 and quash the same as illegal, arbitrary, unfair, un-reasonable, violation of



principles of natural justice and perverse in so far as Condition No.1 and 3 of the Impugned order dated 16.07.2025 and direct the 1st respondent herein to release the goods viz., 783 packages viz., 36788 SQM of PVC Coated fabric imported vide Bill of entry No. 7753627 dated 13.01.2025 totally valued at USD 9,197.00 for 36788 SQM without insisting for payment of duty on the re-determined value and without insisting for furnishing Bank Guarantee for Rs. 15,50,000/-.

For Petitioner(s): Mr.A.K.Jayaraj

For Respondent(s): Mr.A.P.Srinivas
Senior Standing Counsel
for R1 and R2

ORDER

The present Writ Petition is filed challenging the Provisional Release Order dated 16.07.2025, whereby the following conditions were imposed:

“(i) The importer shall file the DTA Bill of entry for provisional release for the re-determined value and shall pay re-determined duty as mentioned in seizure memo and/or NOC issued by DRI, HQ, New Delhi in view of pending investigation.

(ii) The importer shall execute a Bond for Rs.51,00,000/- (Rupees Fifty One Lakhs only).

(iii) The importer shall furnish a Bank Guarantee (BG) for Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand only).



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(iv) The Bank Guarantee should be valid for a minimum period of one year, with an auto-renewal clause until the completion of adjudication proceedings.

(v) The importer shall submit an undertaking to fully comply with the adjudication outcome and pay any additional duty, fine or penalty that may be imposed therein.

(vi) In the event of non-compliance with the adjudication order, the Bank Guarantee may be invoked without any further notice.”

2. Learned counsel for petitioner would submit that petitioner is engaged in trading of importing PVC Coated Fabric. Petitioner was allotted with an Import-Export Code No.FZEPM0061B issued by the office of JDGFT, attached to the Ministry of Commerce.

3. Learned counsel for petitioner would submit that an order was placed with M/s.Gaogsky International Trading Co. Ltd., Hong Kong for supply of 783 packages viz., 36,788 Sq.Mtrs. of PVC Coated Fabric. Pursuant thereto, the consignment reached Chennai Port, and the same was taken to SEZ warehouse namely, M/s.Sun Moon Logistics Private Limited and M/s.NDR Infrastructure Private Limited, Nandiambakkam, Chennai.



4. The above consignment was valued at USD 9,197.00, and the goods were declared at 0.25 US Dollars per Sq. Mtr. The learned counsel for petitioner would submit that petitioner had filed relevant documents at the time of clearance such as Commercial Invoice, Packing List, Certificate of Origin etc.

5. Petitioner was thereafter informed by the Investigating Authorities that an investigation was underway and, therefore, the goods could not be released immediately. Petitioner was further informed that samples had been sent for testing and that release of the consignment would be considered upon receipt of the test results.

6. Subsequently, petitioner was issued with a seizure memo on the premise that the goods were found to be misclassified. Petitioner was informed that the goods were liable for confiscation under Section 111 of the Customs Act, 1962. Petitioner requested release of the goods, pursuant thereto, the impugned Provisional Release Order dated 16.07.2025 came to be passed with the conditions stated supra. Aggrieved by the conditions, the petitioner is before this Court filing the present Writ Petition.

7. Learned counsel for petitioner would further submit that, under similar circumstances, this Court had modified the conditions in W.P.No.1490 of 2026



vide order dated 21.01.2026 and he would submit that petitioner is willing to abide by the very same conditions imposed in the said Writ Petition.

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8. On this being pointed out, learned Senior Standing Counsel appearing for the respondents 1 and 2 would submit that petitioner may be directed to pay 50% of re-determined value and may remit the entire duty as declared, and comply with the same conditions.

9. Accordingly, a similar order is passed in favour of the petitioner as well, by modifying the impugned order dated 16.07.2025 passed by the second respondent for grant of provisional release to the petitioner, by imposing the following conditions instead of those imposed by the Customs Department under the impugned order dated 16.07.2025:

- (a) Petitioner is directed to remit the entire duty as declared by them.
- (b) Petitioner is directed to pay 50% of the differential duty for the total value arrived at by the Department.
- (c) Petitioner shall execute a bond for a sum of Rs.51,00,000/- (Rupees Fifty One Lakhs Only) and
- (d) Petitioner shall also execute a bond for a sum of Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand only) instead of Bank Guarantee. On compliance, the goods shall be released by the respondents within a period of seven days from the date of compliance of the conditions.



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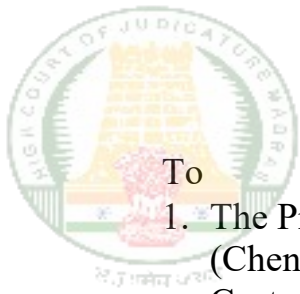
10. On fulfilment of the aforesaid conditions by the petitioner, the respondents shall provisionally release the goods to the petitioner. It is made clear that petitioner will have to co-operate with the investigation to be conducted by the DRI and the Customs Department and the DRI is also directed to complete the investigation as expeditiously as possible.

11. With the above direction, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU



To

1. The Principal Commissioner Of Customs
(Chennai-III)
Custom house, No. 60 Rajaji Salai,
Chennai 600 001
2. The Additional Commissioner Of Customs
(NDR-FTWZ),
O/o. The Principal Commissioner of Customs,
Preventive Commissionerate,
Custom House, No. 60 Rajaji Salai,
Chennai 600 001
3. The Authorised Officer, FTWZ
M/s. NDR Infrastructure Private Limited,
Nandambakkam , Ponneri Taluk,
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WP No. 11504 of 2



MOHAMMED SHAFFIQ, J.

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