



WEB COPY

WP No. 40763 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 40763 of 2025

AND

WMP NO. 45659 OF 2025

1. Indus Mercadeo

Represented By Its Partner, V
Ramasamy No 13/1, Ragavan Colony,
3rd Street, Ashok Nagar, Chennai 600
083

Petitioner(s)

Vs

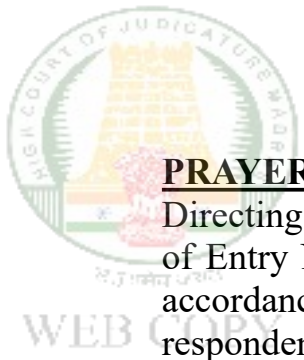
1. Directorate General Of Foreign Trade
Udyog Bhawan, Maulana Azad Road,
New Delhi 110 011

2. Joint Director General Of Foreign
Trade
Shastri Bhavan Annexe, Haddows
Road, Chennai 600 006

3. principal commissioner of customs
(air)
Chennai VIII Commissionerate, New
Custom House, Air Cargo Complex,
Meenambakkam Chennai 600 027

4. Assistant Commissioner Of Customs
(gr 5e)
Chennai VII Commissionerate New
Custom House, Meenambakkam
Chennai 600 027

Respondent(s)



PRAYER

Directing the 4th respondent to allow clearance of the goods imported vide Bill of Entry No 4231833 dated 01.09.2025 without insisting on Import License in accordance with notification No 38/2023 dated 19.10.2023 issued by the 1st respondent.

For Petitioner(s): M/s.V.Pramila for
Mr.V.Ravindran

For Respondent(s): M/s.Sushma, SPC For R1, R2
Mr.J.Hari krishna, JSC For R3,
R4

ORDER

This writ petition has been filed to direct the fourth respondent to allow clearance of the goods imported vide the bill of entry, morefully described in the prayer to this writ petition without insisting for the import licence issued by the first respondent within a time frame to be fixed by this Court.

2. According to the petitioner, for the goods which are the subject matter of the bill of entry disclosed in the prayer to this writ petition, there is no necessity for the petitioner to obtain import licence in accordance with the notification No.38/2023 dated 19.10.2023 issued by the first respondent.

3. According to the petitioner, till date, the goods, which are the subject matter of bill of entry, morefully described in the prayer to this writ petition, has not been released to the petitioner since the respondents are relying upon notification No.38/2023 dated 19.10.2023 issued by the first respondent and



they are requesting the petitioner to produce import licence as per the said notification.

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4. Since the petitioner categorically contends through the supporting documents filed along with the petitioner's representation that there is no need for the petitioner to submit an import licence for the subject goods, morefully described in the prayer to this writ petition for the subject bill of entry, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation, seeking for clearance of the goods, is considered on merits and in accordance with law after affording one personal hearing to the petitioner within a time frame to be fixed by this Court.

5. Though counters have been filed by the respective respondents before this Court, admittedly, the representation given by the petitioner prior to the filing of this writ petition, seeking for clearance of the goods, was not considered by the respondents by passing a final order.

6. No prejudice would be caused to the respondents if the petitioner's representation, seeking for clearance of the goods without production of import licence, is considered on merits and in accordance with law after affording one personal hearing to the petitioner within a time frame to be fixed by this Court.



7. This Court is not expressing any opinion on the merits of the petitioner's representation.

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8. Without going into the merits of the contentions raised by the respondents before this Court through their respective counters, this Court directs the petitioner to submit a fresh representation to the first and second respondents for clearance of the goods, imported vide the bill of entry No.4231833 dated 01.09.2025 without insisting on import licence in accordance with the notification No.38/2023 dated 19.10.2023 issued by the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, within the stipulated time, the first and second respondents shall pass final orders on merits and in accordance with law on the said representation after affording one personal hearing to the petitioner within a period of six weeks thereafter.

9. Accordingly, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

16-02-2026

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



To

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ABDUL QUDDHOSE J.

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