



WEB COPY

WP No. 40561 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 40561 of 2025

M/s.Swarnam Exporters
Rep. By Its Partner S.Nandakumar,
New No. 86 Gandhi Nagar 2nd Main Road,
Adyar Chennai 20

..Petitioner(s)

Vs

1. The Deputy Commissioner Of Customs(brc-
Dbk), Office Of The Commissioner Of
Customs Chennai Iv, Custom House, 60 Rajaji
Salai Chennai 01
2. The Commissioner Of Customs (chennai Iv) ,
Custom House, 60 Rajaji Salai Chennai 01

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India to call for the records pertaining to the impugned order in original No.85026/ 2021 dated 10.06.2021 in F.No. S.Misc. 2/639/ 2016- DBK passed by the 1st respondent, quash the same and further direct the 1st and 2nd respondents to remove the alert regarding the arrears with respect to Shipping Bill No.5741020 dated 29.09.2025 in the petitioner's IEC No. 490008038.

For Petitioner(s): MR.J. ADITHYA REDDY

For Respondent(s): Mr.H.SIDDARTH, JR SC FOR R1, R2



ORDER

This writ petition has been filed challenging the impugned order-in-original dated 10.06.2021 passed by the first respondent on the ground of violation of the principles of natural justice.

2. The petitioner has challenged the impugned order-in-original on the ground that they never received any notice from the respondents in the impugned proceedings, and they were also not afforded personal hearing in the impugned proceedings, which culminated in the passing of the impugned order-in-original dated 10.06.2021. According to the petitioner, notices said to have been sent to them, which are reflected in the impugned order-in-original, were sent to the old address of the petitioner. Therefore, the petitioner claims that the impugned order-in-original has been passed in violation of the principles of natural justice, and the same has to be quashed by this Court.

3. A counter affidavit has been filed by the respondents reiterating the contents of the impugned order-in-original by stating that despite the petitioner having been afforded sufficient opportunities to attend the impugned proceedings, the petitioner had failed to appear.



4. The respondents have not produced any documentary evidence before this Court to prove that the petitioner had infact received all the personal hearing notices sent by the respondents in the impugned proceedings, which got culminated in the passing of the impugned order-in-original. While that be so, the petitioner's contention that they did not receive any notice in the impugned proceedings and that the notices said to have been sent by the respondents were sent to the old address of the petitioner has to be accepted by this Court. In view of the same, this Court is of the considered view that the impugned order-in-original has been passed in violation of the principles of natural justice. Therefore, the impugned order-in-original has to be quashed and the matter will have to be remanded back to the respondents for fresh consideration on merits and in accordance with law. Accordingly, this writ petition is disposed in the following manner:-

(a) The impugned order-in-original dated 10.06.2021 passed by the first respondent is hereby quashed by this Court, and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law.

(b) The first respondent is directed to pass final orders by adhering to the principles of natural justice and by affording sufficient opportunity to the



petitioner, within a period of six months from the date
of receipt of a copy of this order.

No Costs. Consequently, connected writ miscellaneous petitions are
closed.

09-01-2026

Neutral Citation: Yes/No

RKM



To

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1. The Deputy Commissioner Of Customs (brc-Dbk) Office Of The Commissioner Of Customs Chennai Iv, Custom House, 60 Rajaji Salai Chennai 01
2. The Commissioner Of Customs (chennai Iv) , Custom House, 60 Rajaji Salai Chennai 01



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ABDUL QUDDHOSE, J.

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