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W.P.No.49795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.49795 of 2025

M/s.Selvam Fabrication,
New No.65, Old No.33, 3rd Floor,
Prakasham Salai, Broadway,
Chennai – 600 001
Rep by its Proprietor
Rajendran Ponniyinselvan

... Petitioner

Vs.

1.The Principal Commissioner of Customs (Preventive)
Chennai III Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House,
Chennai – 600 001.

2. The Additional Commissioner of Customs (SEZ-FTWZ)
Chennai III Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House,
Chennai – 600 001.

3. The Additional Director General,
DRI Headquarters, Directorate of Revenue Intelligence,
Plot No.11-B, Institutional Area,
Vasant Kunj, New Delhi – 110 070.

4. The Deputy Director (CI),
DRI, Headquarters,
Directorate of Revenue Intelligence,
Plot No.11-B, Institutional Area,
Vasanth Kunj, New Delhi – 110 070.



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5. The Inquiry Officer/SIO,
Directorate of Revenue Intelligence (DRI),
7th Floor, Drum Shaped Building,
I.P. Bhawan, I.P.Estate,
New Delhi – 110 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the case of the petitioner and to permit the re-export of the goods viz., 895 Bales, quantity being 26167 Kgs of “Cotton Knitted Fabric yarn of Different Colours”, which was originally imported vide Bill of Lading No.031E614732 and the filing of Bill of Entry No.7670051 dated 08.01.2025, in terms of various judicial pronouncements rendered by various Hon’ble High Courts and also this jurisdiction High Court.

For Petitioner : Mr.S.Baskaran

For Respondents : Mrs.Pooja Jain
Junior Standing Counsel

ORDER

The petitioner seeks for re-export of the imported goods vide Bill of Entry No.7670051 dated 08.01.2025 and Bill of Lading No.031E614732. The petitioner has submitted an application to that effect before the respondents. Since the same has not been considered till date, the petitioner has filed this writ petition.



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Mrs.Pooja Jain, learned Junior Standing Counsel, accepts notice on behalf of the respondents.

3. The respondents have refused to release the imported goods to the petitioner on the ground that the petitioner has misclassified the value of the goods. DRI proceedings are pending against the petitioner with regard to the importation of the subject goods.

4. The very same issue has already been dealt with by this Court in W.P.No.45725 of 2025, dated 25.11.2025, and in the said writ petition, this Court had directed the respondents to grant permission for re-export of the goods subject to fulfilment of the following conditions:

(i) The petitioner shall execute a bond for the total value of the differential duty payable by them;

ii) The petitioner shall furnish a bank guarantee equivalent to 20% of the re-determined value; and

(iii) On the petitioner fulfilling the above two conditions, they shall be permitted to re-export the goods within a period of 12 days from the date of compliance of the above conditions.



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5. In this case as well, there has been a long delay for the release of the imported goods and therefore, the petitioner is seeking for re-export of the subject goods.

6. The learned counsel for the petitioner on instructions would submit that the petitioner is willing to abide by the very same conditions as imposed by this Court in its order dated 25.11.2025 passed in W.P.No.45725 of 2025. Since the petitioner is also a similarly placed person, the same direction can be imposed in this case as well.

7. As the issue involved in this case has already been settled by this Court in W.P.No.45725 of 2025, dated 25.11.2025, this writ petition is disposed of by directing the respondents to permit the petitioner to re-export the goods subject to fulfilment of the conditions imposed by this Court in W.P.No.45725 of 2025, dated 25.11.2025, extracted supra. No Costs.

05.01.2026
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Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

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ABDUL QUDDHOSE, J.

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