
(2011) 03 MAD CK 0508

In the Madras High Court

Case No : Writ Petition No. 6235 of 2011 and M.P. No. 1 of 2011

R.K. Shipping Pvt. Ltd.

APPELLANT

Vs

The Commissioner of Customs

RESPONDENT

Date of Decision : 14-03-2011

Acts Referred:

Customs Act, 1962 — Section 129A

Citation : (2011) 03 MAD CK 0508

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : Hari Radhakrishnan, for the Appellant; S. Uthayakumar, Central Government Standing Counsel, for the Respondent

Judgement

M. Jaichandren, J.—The main contention of the learned Counsel for the Petitioner is that the Respondent does not have the jurisdiction to pass the impugned order, dated 04.03.2011, as the Petitioner's licence as Custom House Agent, has been issued by the Commissioner of Customs, Mumbai. The operation of the Petitioner had been extended to the Coimbatore Commissionerate based on the Form-C provision.

2. The learned Counsel appearing on behalf of the Respondents had submitted that the impugned order of the Respondent, dated 04.03.2011, had been passed, pursuant to the order, issued by this Court, dated 31.01.2011, in W.P. No. 7437 of 2006.

3. In view of the averments made in the affidavit filed in support of this petition and in view of the submissions made by the learned Counsel appearing on behalf of the Petitioner, as well as the Respondent, this Court does not find sufficient cause or reason to grant the relief, as prayed for by the Petitioner, in the present Writ Petition. However, it is made clear that it would be open to the Petitioner to avail the appellate remedy available before the Central Excise and Service Tax Appellate Tribunal, u/s 129A of the Customs Act, 1962. The Petitioner shall avail the appellate remedy as stated above, within 10 days from today and on such

appeal being filed, the tribunal is expected to dispose of the same, on merits and in accordance with law, as expeditiously as possible, within four weeks, from the date of filing of such appeal.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.