
(2011) 02 MAD CK 0274

In the Madras High Court

Case No : Writ Petition No. 3324 of 2011 and M.P. No. 1 of 2011

Sree Rajendra Textiles

APPELLANT

Vs

The Deputy Commissioner of Customs

RESPONDENT

Date of Decision : 11-02-2011

Acts Referred:

Citation : (2011) 02 MAD CK 0274

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : K. Jayachandran, for the Appellant; S. Uthayakumar (SCGSC), for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the Petitioner and the learned Senior Central Government Standing Counsel appearing for the Respondent.

2. At this stage of the hearing of the writ petition, the learned Counsel appearing for the Petitioner had submitted that the issues involved in this writ petition is covered by the order of this Court, dated 29.12.2010, in w.P. Nos. 30153 and 30154 of 2010, wherein, this Court had directed the Respondent therein to release the goods concerned subject to certain conditions.

3. The learned Senior Central Government Standing Counsel appearing for the Respondent has no objection for this Court following its earlier order, dated 29.12.2010.

4. In view of the submissions made by the learned Counsels appearing for the parties concerned and in view of the order passed by this Court, on 29.12.2010, in W.P. Nos. 31053 and 30154 of 2010, the writ petition is disposed of, directing the Respondent to release the goods concerned subject to the following conditions:

(1) The Petitioner shall pay the entire amount of duty, to the department,

forthwith, as per the declared value, which may be based on the contract or price etc., as per the provisions of the Customs Act.

(2) In addition, the Petitioner shall provide sufficient bank guarantee, to the satisfaction of the Respondent, drawn on any Nationalised bank. The bank guarantee shall be in favour of the Department, in respect of 50% of the difference in duty, to be kept alive till the adjudication process is completed.

(3) In respect of the remaining 50% of the difference in duty, the Petitioner shall furnish a personal bond to the satisfaction of the Respondent. On completion of all the three conditions, the Respondent shall release the goods.

(4) On release of the goods in question, on the Petitioner complying with the said conditions, the Respondents shall complete the adjudication process, within a period of four weeks thereafter, by issuing a necessary show cause notice. It is made clear that on the issuing of the necessary show cause notice, the Petitioner shall submit its objections, appear before the Respondent, through its authorised representatives and cooperate with the Department in the adjudication process.

Consequently, connected M.P. No. 1 of 2011 is closed. No costs.