
(2011) 01 MAD CK 0137
In the Madras High Court
Case No : Writ Petition No. 604 of 2011

Sree Rajendra Textiles

APPELLANT

Vs

The Deputy Commissioner of Customs

RESPONDENT

Date of Decision : 12-01-2011

Acts Referred:

Citation : (2011) 01 MAD CK 0137

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : K. Jayachandran, for the Appellant; S. Uthayakumar, S.C.G.S.C., 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. 30153 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, as per the declared value, which

may be based on the contract or price etc., as per the provisions of the Customs Act, forthwith, to the Department.

(2) In addition, the petitioner shall provide sufficient bank guarantee, to the satisfaction of the Respondent, drawn on any Nationalised bank, in

respect of 50% of the difference in duty, in favour of the Department, 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 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 compliance with the said conditions, the Respondents shall complete the adjudication process, within a

period of four weeks thereafter, by giving a necessary show cause notice. It is made clear that on furnishing of necessary show cause notice, the

petitioner shall submit their objections, appear before the Respondent and co-operate with the Department in the adjudication process.

Connected M.P. No. 1 of 2011 is closed. No costs.