

(2011) 08 MAD CK 0144

In the Madras High Court

Case No : Contempt Petition No's. 1045, 1058, 1059, 1060, 884, 885, 886, 887, 919, 920, 968, 969, 970, 971, 972, 973, 889, 890, 891, 892, 893, 894, 895, 896, 1104, 1105, 1106 and 1107 of 2011

Vinay Auto Copier Machine

APPELLANT

Vs

Mr. Kannan I.R.S., Commissioner of Customs (Seaport-Export) and Mr. Tamilvalavan I.R.S., Additional Commissioner of Customs

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Citation : (2011) 08 MAD CK 0144

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : A.K. Jayaraj, for the Appellant; K. Ravi Anantha Padmanabhan, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Since, the issues involved in all the contempt petitions are similar in nature, they have been taken up together and a

common order is being passed.

2. These contempt petitions have been filed praying that this Court may be pleased to punish the Respondents for their willful disobedience of the

orders passed by this Court in the above writ petitions.

3. This Court, by its orders passed in the above writ petitions, had directed the Respondents to release the goods in question, forthwith, on the

Petitioners depositing 25% of the enhanced value, apart from paying the applicable rate of duty on the enhanced value.

4. The learned Counsels for the Petitioners had submitted that, in spite of the said directions having been issued by this Court, the Respondents had

refused to release the goods in question. The Respondents had also filed writ appeals against some of the orders passed by this Court in the above

writ petitions. In the said writ appeals, in W.A. Nos. 1190 to 1194 of 2011 and M.P. Nos. 1 to 1 of 2011, filed by the Respondents, the First

Bench of this Court, by its order, dated 20.7.2011, had passed the following order:

The appeals will be heard. The prayer for stay is refused. The Appellant is directed to comply with the order of the learned single Judge within two

weeks from today upon the writ petition as complying with the directions issued therein. Put up after three weeks.

5. The learned Counsel appearing on behalf of the Respondents had submitted that in view of the said direction issued by the First Bench of this

Court and in compliance with the orders passed by this Court, the Respondents had released the goods in question.

6. The learned Counsel for the Respondents had also submitted that the Detention Certificates had also been issued to the Petitioners.

7. The learned Counsels appearing on behalf of the Petitioners had submitted that the Petitioners had cleared the goods in question, as per the

directions issued by this Court, and they had also paid the demurrage charges.

8. The learned Counsels appearing on behalf of the Petitioners had further submitted that the Petitioners should be permitted to claim the refund of

the demurrage charges paid by the Petitioners, in view of the Detention Certificates issued by the Respondents.

9. In such circumstances, in view of the fact that the goods in question had been cleared by the Respondents, as directed by this Court, this Court

is of the view that No. further orders are necessary in the present contempt petitions. Hence, the contempt petitions are closed. However, it goes

without saying that it would be open to the Petitioners to make a claim for the refund of the demurrage charges paid by them, if so advised, in the

manner known to law. No. costs. Connected Sub A. Nos. 439, 440 and 441, 387, 388, and 389, 404 and 405, 415, 416, 417, 418, 419 and

420, 451, 452, 453, and 454 of 2011 are closed.