

Madras High Court

M/S.Nhc Enterprises vs 3 Director General Of Foreign on 22 February, 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.2.2011

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THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.4225 of 2011

1 M/S.NHC ENTERPRISES [PETITIONER]
PLOT NO.36 OLD JAGRUTI COLONY
NR. FRIENDS COLONY KATOL ROAD
NAGPUR M.S.440013
REP BY ITS PROPRIETOR
MR.DINESH EKNATH KUMBHARE

Vs

1 THE COMMISSIONER OF CUSTOMS
(SEAPORT-EXPORTS) CUSTOM HOUSE
NO.60 RAJAJI SALAI CHENNAI 1

2 THE ADDL. COMMISSIONER OF
CUSTOMS (GROUP 7 B) CUSTOM HOUSE
NO.60 RAJAJI SALAI CHENNAI 1

3 DIRECTOR GENERAL OF FOREIGN
TRADE AND EX OFFICIO
ADDITIONAL SECRETARY TO THE
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND
INDUSTRY
DEPARTMENT OF COMMERCE
NEW DELHI

[RESPONDENTS

Prayer: This petition has been filed seeking for a writ of Mandamus directing the respon

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.T.R.Senthilkumar

for R1, R2
Mr.P.Mahadevan
C.G.S.C. For R3

O R D E R

Heard the learned counsels appearing for the petitioner, as well as the respondents.

2. The learned counsels appearing on behalf of the respondents had submitted that investigations are being carried on, in respect of the import of the Second Hand Digital Multifunction Print and Copying Machines. Thereafter, adjudication proceedings would be held to find out if any irregularities had been committed in the import of such goods. While so, this Court may be pleased to release the goods, if it deems it fit to do so, on the petitioner depositing 40% of the enhanced value, apart from paying the applicable rate of duty on the enhanced value. They had also submitted that the adjudication proceedings could be completed by the respondents, within a period of 15 days from the time of its commencement.

3. In view of the several orders passed by this Court, directing the respondents to release the goods in question, on certain conditions, and as the submissions made by the learned counsels appearing on behalf of the respondents have not shown any new grounds, for the modification of the earlier orders passed, in similar matters, this Court finds it fit to direct the respondents to release the goods in question, with similar conditions.

4. It is also seen that the conditions imposed by this Court, in its earlier orders, had been confirmed by a Division Bench, in its order, dated 21.10.2009, made in W.A.No.1508 of 2009 (THE COMMISSIONER OF CUSTOMS (IMPORTS), SEAPORT, CHENNAI AND ANOTHER Vs. M/S.POLYCRAFT EXPORTS (P) LTD., AND ANOTHER). Thereafter, orders have been passed in several writ petitions, including the order, dated 2.12.2010, in W.P.Nos.26964 and 27146 of 2010, directing the release of the detained goods, without any modification of the conditions impugned in the earlier orders.

5. In such circumstances, this writ petition is disposed of, directing the petitioner to deposit 25% of the enhanced value, apart from paying the applicable rate of duty on the enhanced value. On complying with the above said conditions, the respondents are directed to release the goods, in question, forthwith, with liberty to the respondents to proceed further, with the adjudication proceedings, in accordance with law. The petitioner shall co-operate, fully, in the adjudication proceedings to be conducted by the respondents. No costs. Consequently, connected miscellaneous petition No.1 of 2011 is closed.

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To

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