

**2019-TIOL-1166-HC-MAD-CUS**

**IN THE HIGH COURT OF MADRAS**

**W.P.Nos.8336 and 8340 of 2019**

**M/s CARE INTRA EXIM**

**Vs**

**THE ASSISTANT COMMISSIONER OF CUSTOMS (GROUP  
6)  
CUSTOM HOUSE, NO.60, RAJAJI SALAI  
CHENNAI - 600001**

**Anita Sumanth, J**

**Dated April 26, 2019**

**Appellant Rep by: Mr. Hari Radhakrishnan**

**Respondent Rep by: Mrs Hema Muralikrishnan**

**Cus - BIS registration number embossed on the driver of the LED panel light did not tally with the BIS certificate produced, hence, the drivers numbering 1,15,000 pieces and valued at an amount of Rs.9,77,500/- were confiscated vide o-in-o dt. 25.01.2019 along with the remaining consignment, comprising LED batten fixture and LED panel and flood lights, whose BIS registration number incidentally tallied with the BIS certificate produced - Petitioner states that they had filed various representations seeking release of the remaining goods, hence the petitions.**

**Held: Respondent states that there is no difficulty in releasing the remaining goods except the one confiscated vide order-in-original dated 25.01.2019 viz. drivers - petitioner is directed to approach the respondent seeking release of the remaining goods upon which the respondent will release the same forthwith - insofar as confiscated goods are concerned, the respondent is at liberty to**

**finalise the proceedings after hearing the petitioner - petitioner is directed to seek waiver of demurrage charges before the authority concerned, who shall consider the same in accordance with law - Writ Petitions are disposed of: High Court [para 5, 6]**

**Petitions disposed of**

## **JUDGEMENT**

**Heard Mr.Hari Radhakrishnan, learned counsel for the petitioner and Mrs.Hema Muralikrishnan, learned Standing Counsel for the respondent.**

**2. The petitioner had imported three products in November, 2018; (i) LED battern fixture, (ii) LED panel light and (iii) LED flood light. On verification of the samples, it was found that the BIS registration number tallied with BIS certificate produced with regard to LED battern fixture and LED flood lights. While the BIS registration number embossed on the LED panel light tallied with the BIS registration certification produced, the BIS registration number embossed on the driver of the LED panel light did not tally with the BIS certificate produced. Hence, the drivers numbering 1,15,000 pieces and valued at an amount of Rs.9,77,500/- have been confiscated vide order-in-original dated 25.01.2019 along with the remaining consignment, comprising LED battern fixture and LED panel and flood lights.**

**3. Learned counsel for the respondents, upon instructions, states today that there is no difficulty in releasing the remaining goods except the one confiscated vide order-in-original dated 25.01.2019.**

**4. Learned counsel for the petitioner states that the petitioner has filed representations dated 03.01.2019, 04.01.2019 and 18.01.2019 before the respondent seeking release of the remaining goods. However, there is no**

**response from the respondent. Hence, the present Writ Petitions.**

**5. In the light of the admitted position by the respondent that there is no embargo in releasing all goods except drivers, the petitioner is directed to approach the respondent seeking release of the remaining goods upon which the respondent will release the remaining goods forthwith. As far as the confiscated goods are concerned, the respondent is at liberty to finalise the proceedings after hearing the petitioner.**

**6. As far as the issue of demurrage and detention waiver certificate is concerned, the petitioner is directed to seek waiver of demurrage charges before the concerned authority, who shall consider the same in accordance with law after affording an opportunity of personal hearing to the petitioner.**

**7. These Writ Petitions are disposed of in the aforesaid terms. No costs.**