

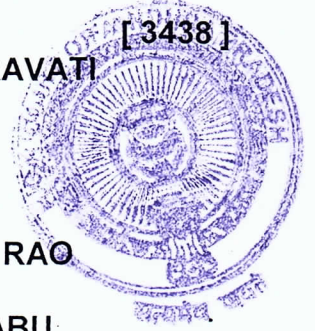
[3438]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO
AND
THE HONOURABLE SRI JUSTICE A V RAVINDRA BABU**



IA No. 1 OF 2023

IN

WP NO: 26884 OF 2023

Between:

ITC Limited, Represented by its Authorized Signatory, Mr Ashit Kumar, Agri
Business Division, GT Road, Guntur, Andhra Pradesh.

...Petitioner(s)

(Petitioner in WP 26884 OF 2023
on the file of High Court)

AND

1. Union of India, Represented by the Secretary, Ministry of Finance,
Department of Revenue, New Delhi.
2. The Director General of Foreign Trade, Vanijya Bhawan, 'A' Wing, 16,
Akbar Road, New Delhi -1100113.
3. The Additional Commissioner of Customs, Kakinada Customs House,
Kakinada Port, Kakinada, Andhra Pradesh.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner : SRI KARAN TALWAR

Counsel for the Respondents 1 & 2 : SRI N.HARINAT

Counsel for the Respondent No.3 : SRI Y.V.N.VIVEKANANDA

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to permit the petitioner to export the 27,000 MTs out of the total consignment of the Petitioner containing Rice Parboiled variant with HSN Code 1006 30 10 lying in the Customs Area of the 3rd Respondent without reference to the Notification No.49/2023- Customs dated 25.08.2023 and Notification No.50/2023- Customs dated 25.08.2023 issued by the 1st Respondent by issuing necessary order, Pending disposal of WP No. 26884 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard learned counsel for petitioner Sri Karan Talwar, learned Deputy Solicitor General for respondents 1 & 2 and Sri Y.N.Vivekananda, learned Senior Standing Counsel for respondent 3✓

Learned counsel for petitioner would submit that the petitioner's case presents similar facts to that of the W.P.No.26072/2023 wherein this Court passed order dated 07.10.2023 permitted the petitioner to offer a Bank Guarantee issued by the Nationalized Bank equivalent to 50% of the tax component and personal bond for remaining 50% of the tax component. Therefore, similar order may be passed in the present case also.

Both the learned counsel for respondents would admit that the petitioner's case is also similar to that of in W.P.No.26072/2023.

In that view of the matter, while posting the matter for filing counter after four (4) weeks, in the meanwhile, the petitioner is permitted to export his consignment i.e., Para-boiled rice of 27000 Mts in terms of shipping bills on the condition of petitioner offering a suitable Bank Guarantee issued by any Nationalized Bank equivalent to 50% of the tax component and offering personal bond for the remaining 50% of the tax component. On such offering the Bank Guarantee and personal bond and meeting other statutory requirements, the 3rd respondent shall permit the petitioner to export the aforesaid consignment by revalidating the shipping bills, dt.04.08.2023, 15.08.2023 & 17.08.2023."

//TRUE COPY//

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Finance, Department of Revenue, New Delhi.

2. The Director General of Foreign Trade, Vanijya Bhawan,'A'Wing, 16, Akbar Road, New Delhi -1100113.
3. The Additional Commissioner of Customs, Kakinada Customs House, Kakinada Port, Kakinada, Andhra Pradesh. **(Addresses 1 to 3 By RPAD)**
4. One CC to SRI. KARAN TALWAR Advocate [OPUC]
5. One CC to SRI.N.HARINATH, Deputy Solicitor General. [OPUC]
6. One CC to SRI Y.N.VIVEKANANDA, Standing Counsel. [OPUC]
7. **Two spare copies**

ER

HIGH COURT

UDPRJ
&
AVRBJ

DATED:13/10/2023

POST AFTER FOUR (4) WEEKS

ORDER

WP.No.26884 of 2023

DIRECTION

