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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.24355 of 2025
and
W.M.P. No.27411 of 2025

M/s.True Value Homes (India) Private Ltd.,
Rep. by its Director,
N. Ravichandran ... Petitioner

vs.

1. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Unit No.15, Magnet Corporate Park,
100, Ft. Thaltej – Hebatpur Road,
Off. Sola Over Bridge,
Ahmedabad – 380 054.

2. The Assistant Director,
Directorate of Revenue Intelligence,
27, G.N. (Chetty) Road,
T. Nagar,
Chennai – 600 017.

3. The Commissioner of Customs,
Chennai Import Commissionerate,
Custom House,
No.60, Rajaji Salai,
Chennai – 600 001. ... Respondents

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For Petitioner : Mr. Vijay Narayanan
Senior Counsel
for Mr. Hari Radhakrishnan

For Respondents : Mr.K.V. Muthuvisakan
Senior Panel Counsel for R1 & R2
Mr.K.S. Ramasamy for R3

ORDER

This writ petition has been filed for a Mandamus seeking to direct the respondents to refrain from seizing the subject Car or demand duty in respect of the Car imported by the petitioner vide Bill of Entry No.9303862, dated 27.06.2022, without issuance of proper show cause notice as per the provisions of Section 28 of the Customs Act, 1962. The petitioner has also sought for interim protection, through W.M.P. No.27411 of 2025.

2. The petitioner imported the subject Car through the aforesaid Bill of Entry, dated 27.06.2022. According to the petitioner, they have paid the customs duty as per proper valuation for the subject Car and got clearance from the Customs Department. The petitioner also claims that they have been using the said Car, ever since the said import. However,

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according to the petitioner, recently, the officials from the respondents visited the premises of the petitioner and demanded payment of differential customs duty, arbitrarily without issuing any show cause notice by claiming that the petitioner had under valued the subject Car through their Bill of Entry No.9303862, dated 27.06.2022.

3. The learned Senior Counsel appearing for the petitioner drew the attention of this Court to a judgment of the Division Bench of this Court in the case of ***Sumar Foundries Ltd., vs. Commissioner of Central Excise & Customs, Tiruchirappalli reported in 2015 (325) ELT 854 (Mad.)*** and would submit that in the said decision also, the Division Bench of this Court had deprecated the practice of the Customs Department in claiming the differential duty / taxes without issuing any show cause notice. In particular, he relied upon paragraph No.13 of the said decision, which has made it clear that the respondents cannot collect any duty, either voluntarily or under coercion, except by and under authority of law.

4. The learned Senior Counsel appearing for the petitioner would submit that in the instant case also without issuing any show cause

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notice as per the provisions of Section 28 of the Customs Act, 1962, the respondents are coercing the petitioner to pay the differential duty which the petitioner is not liable to pay.

5. The learned Senior Counsel appearing for the petitioner also drew the attention of this Court to the invoice filed by the petitioner along with the Bill of Entry, dated 27.06.2022 while the petitioner had obtained the release order for the subject Car and would submit that the value of the car disclosed in the invoice is proper valuation and only after, the respondents / Customs Department were satisfied with the same, they had released the subject Car to the petitioner which the petitioner has been using since 2022.

6. The learned Senior Counsel appearing for the petitioner, on instructions would also submit that the petitioner is willing to co-operate with the investigation provided, the respondents do not coerce the petitioner to pay the alleged differential duty provided that they do no seize the subject Car without following the due procedure established under law. The said undertaking given by the petitioner is also recorded.

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7. This Court after giving due consideration to the aforesaid factors, which are supported by documents filed along with this writ petition as well as subject to the aforesaid undertaking given by the petitioner, is of the considered view that a prima facie case has been made out by the petitioner for the grant of interim injunction as prayed for in W.M.P. No.27411 of 2025. Accordingly, there shall be an order of interim injunction as prayed for in W.M.P. No.27411 of 2025

8. Mr.K.V. Muthuvisakan, learned Senior Panel Counsel takes notice for the respondents 1 and 2.

9. Mr.K.S. Ramasamy, learned counsel takes notice for the 3rd respondent.

10. Post the matter for counter and disposal on **08.08.2025.**

04.07.2025

(2/2)

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

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ABDUL QUDDHOSE, J.

vsi2

To

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