

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.26656 of 2025

and

W.M.P.No.29973 of 2025

M/s.Kalima Granites,
Represented by its Partner Hameed Abdul Kader,
Old No.180, New No.96, 2nd Floor,
Shop No.1 and 2, Prakasam Salai,
Manady, Broadway, Chennai – 600 001.

... Petitioner

Vs.

1.The Commissioner of Customs (Imports),
Custom House,
Rajaji Salai,
Chennai – 600 001.

2.The Deputy Commissioner of Customs, BRC-DBK,
Customs House,
Rajaji Salai,
Chennai – 600 001.

3.The Assistant Commissioner (ARC),
Customs House,
Rajaji Salai,
Chennai – 600 001.

... Respondents

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.Rajendran Raghavan,
Senior Panel Counsel
Mr.T.Nalindhar,
Junior Panel Counsel



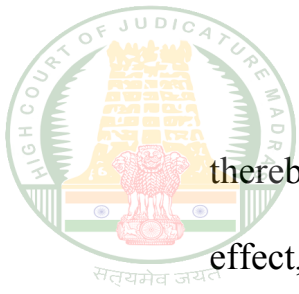
ORDER

This writ petition has been filed challenging the impugned order in original dated 27.03.2021 passed by the 2nd respondent on the ground of violation of principles of natural justice.

2. The petitioner categorically contends that they did not receive any show cause notice and that the respondents have not intimated them about any personal hearing, prior to the passing of the impugned order in original. According to the petitioner, they came to know about the impugned order in original only in the month of May, 2024. The petitioner also claims that on coming to know of the impugned order in original, they have also submitted all the BRCs with the respondents. They claims that they have fulfilled all the export obligations by submitting BRCs at the relevant point of time.

3. Till date, counter has not been filed by the respondents.

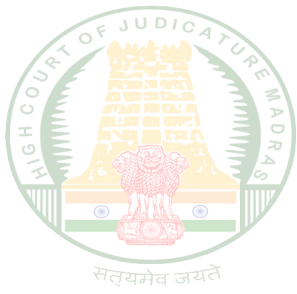
4. The learned counsel for the petitioner prays for interim stay of operation of the impugned order in original on the ground that alert messages have been issued by the respondents on account of the non-payment of the sum determined in the impugned order in original,



thereby preventing the exports of the petitioner's consignments. To that effect, the communication received from the respondents has also been placed on record before this Court.

5. On the other hand, the learned Senior Standing Counsel appearing for the respondents would reiterate the contents of the impugned order in original.

6. Only after a counter is filed in this matter, this Court can finally adjudicate this Writ Petition. On a prima facie consideration, this Court finds that the contention of the petitioner as stated supra are acceptable to this Court. Since a prima facie case has been made out by the learned counsel for the petitioner and since the counter has not been filed by the respondent, till date, this Court is inclined to grant an order of interim stay of operation of the impugned order in original, dated 27.03.2021, until further orders. However, the views expressed by this Court, at this stage, is only a prima facie view, since the counter has not been filed by the respondents.



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ABDUL QUDDHOSE, J.

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7. Accordingly, there shall be an order of interim stay of operation of the impugned order in original dated 23.07.2025 passed by the 2nd respondent, until further orders.

8. Post the matter 'for counter and disposal' on 11.09.2025.

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22.08.2025
($\frac{1}{2}$)

To

1. The Commissioner of Customs (Imports),
Custom House,
Rajaji Salai, Chennai – 600 001.
2. The Deputy Commissioner of Customs, BRC-DBK,
Customs House,
Rajaji Salai, Chennai – 600 001.
3. The Assistant Commissioner (ARC),
Customs House,
Rajaji Salai, Chennai – 600 001.

W.P.No.26656 of 2025
and
W.M.P.No.29973 of 2025
($\frac{1}{2}$)



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W.M.P.No.29971 of 2025

in

W.P.No.26656 of 2025

ABDUL QUDDHOSE, J.

Dispensed with for the
present.

22.08.2025

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