IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WA No. 2204 of 2026
AND
WA NO. 2206 OF 2026,CMP NO. 19115 OF 2026,CMP NO. 19101 OF 2026

Syed Javed Akhter
Assistant Manager of
M/s. Timescan Logistics India Pvt. Ltd.
Survey No. 423BPart, Mannur Village,
Sriperumpudur Taluk,
J Matadee Free Trade Warehousing
Zone Pvt. Ltd.-SEZ,
Kancheepuram- 602 105.

..Appellant(s)

Vs

1. The Commissioner of Customs
   Chennai II Import Commissionerate
   No. 60, Rajaji Salai, Custom House
   Chennai 001
2. The Additional Commissioner of Customs
   Group 5A,
   No. 60, Rajaji Salai, Custom House,
   Chennai-600001

3. Development Commissioner
   MEPZ Special Economic Zone,
   GST Road, Tambaram,
   Chennai-600045.

..Respondent(s)

WA No. 2206 of 2026

M/s. Timescan Logistics India Pvt. Ltd.
Rep by its Director,
B.Jacob Anil Kumar,

Survey No. 423BPart, Mannur Village,
Sriperumpudur Taluk,
J Matadee Free Trade Warehousing
Zone Pvt. Ltd.-SEZ,
Kancheepuram- 602 105.

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..Respondent(s)

WA No. 2204 of 2026

Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dt. 09.06.2026 passed in W.P.No. 25043 of 2023 on the file of this Honble Court.

WA No. 2206 of 2026

Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dt. 09.06.2026 passed in W.P.No. 25037 of 2023 on the file of this Honble Court.

For Appellant(s) in both appeals:	Mohamed Ismail
For Respondent(s):	Mr.Su.Srinivasan, Spc., Mr.T.Nalinidhar, Jpc.,

Judgment

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

(1) The present Intra Court Appeals are preferred by the appellants against the orders of the learned Single Judge dated 09.06.2026 made in WP.Nos.25037 and 25043/2023.

(2) Specific information was received and intelligence gathered by the DRI Headquarters, regarding import of mobile phones' accessories, parts and other miscellaneous electronic goods by certain Mumbai based traders, declaring grossly the under-valuation of the goods to evade customs duty, to the tune of Rs.100 Crores, got surfaced and as a consequence, the persons involved in such illegal import by misdeclaration and under-valuation, were probed. The premises of those suspects were searched and one such premises is the warehouse and office of the appellant in WA.No.2204/2026, namely, M/s.Timescan Logistics India Private Limited, the appellant in WA.No.2206/2026. During the search of the premises, several incriminating materials were collected and a Show Cause Notice was issued under Section 124 of the Customs Act, 1962, to the appellants and other persons. Insofar as the appellant in WA.No.2204/2026 is concerned, his consistent stand before the Department was that he as a holder of the Unit in CFS, had no role or knowledge about the goods imported and stored in his Warehouse. However, based on the statement given by the Assistant Manager of the

appellant Company, in the course of investigation of DRI and the other documents, the Additional Commissioner of Customs, who is the respondent herein, has arrived at the conclusion that the appellant in WA.No.2204/2026 has violated Sections 112[a], 112[b] and 114AA of the Customs Act and also failed to comply with the obligation under Rule 10 of CBLR, 2018, and imposed penalty for violating Sections 112[b] and 114AA of the Customs Act. The Order in Original, passed by the respondent dated 12.06.2023, was challenged by the Company, M/s.Timescan Logistics India Private Limited and Syed Javed Akther, who is the Assistant Manager of the said Company, by filing WP.Nos.25037 and 25043/2023 individually and the said writ petitions were disposed of on 09.06.2026, by the learned Judge with the following observations:

> *''2.The learned counsel appearing for the petitioners submitted that as against the impugned order, there is an effective appeal remedy available to the petitioners before the Commissioner of Customs [Appeals]. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioners to exhaust the appeal remedy. The learned counsel further submitted that the period during which the writ petitions were pending before this Court may be excluded for the purpose of limitation.*

3.Considering the limited request now made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, permit the petitioners to file appeals before the Commissioner of Customs [Appeals]. The period during which the writ petitions were pending before this Court, is excluded for the purpose of limitation.''

(3) Aggrieved by the aforesaid common order of the learned Judge, the present Writ Appeals are preferred.

(4) The learned counsel for the appellants submitted that when there is a gross violation of the statute, particularly, the penal provision, namely, Sections 112[a] and 114AA of the Customs Act, the knowledge regarding the alleged violation is required and in the instant case, when there is no finding by the authority concerned regarding the knowledge, the appellants need not undergo the process of appellate remedy since there is a gross violation of the statutory provisions.

(5) ***Per contra,*** the learned Senior Panel Counsel for the respondent submitted that the learned Single Judge has rightly dismissed the writ petitions since there is no allegation of violation of principles of natural justice, nor there is an element of gross statutory violation. The contentions raised by the appellants are purely question of fact which has

to be agitated before the Appellate Authority, if the appellants have any valid ground. Insofar as the impugned order passed by the 2nd respondent is concerned, it is purely based on the materials collected during the course of enquiry conducted by the Customs Department and the materials collected by the DRI in the course of investigation. The learned Senior Panel Counsel also referred to certain observations of the 2nd respondent as a reason for holding the appellant liable for penal action.

(6) We are not inclined to advert to the merits of the facts which has to be tested by the Appellate Authority. However, we hold that when there are materials for the Department to proceed against the appellants for the alleged violation, it is proper to relegate the parties to establish the case by material evidence and settle the disputed facts in the manner known to law. Entertaining writ petitions to test the question of fact, is not proper.

(7) Therefore, whether the appellants themselves opted before the learned Single Judge, seeking liberty to move before the Appellate Authority, or *de hors* the Court has taken a decision to remedy the petitioners to approach the Appellate Authority, the orders of the learned Single Judge has to be upheld and requires no interference.

(8) In fine, the writ appeals are **dismissed** and the orders of the learned Single Judge dated 09.06.2026, made in WP.Nos.25037 and 25043/2026, are confirmed. ***This Court grants four weeks time to the appellants to***

prefer the appeals before the Appellate Authority. No costs. Consequently, the connected miscellaneous petitions are closed.

(G.J.,J.) (N.M.,J.)
29-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.G.JAYACHANDRAN J.
AND
N.MALA J.

AP

WA No. 2204 of 2026
AND
WA.No.2206 of 2026

29-07-2026