

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7935 OF 2015

M/s Excel Production Audio Visuals

Pvt Ltd and Another

..Petitioners

Vs.

The Union of India and Others

..Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi i/b PDS Legal,for the
Petitioners.

Mr. Pradeep S. Jetly,for the Respondents.

**CORAM :- S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

DATE :- DECEMBER 21, 2015.

P. C.:

Rule. Rule made returnable forthwith. Heard finally by
consent of both parties. Respondents waive service.

2 This Petition under Article 226 of the Constitution of
India challenges the order passed by the Commissioner of
Customs(Airport-II) Airport Special Cargo, Chhatrapati Shivaji

Maharaj International Airport,Mumbai.

3 Mr. Shah, learned counsel appearing on behalf of the
Petitioners submits that in the present case the Adjudicating
Authority heard the Petitioners on 5th November, 2013 but the
impugned order is dated 30th March, 2015, dispatched on 31st
March, 2015 and received thereafter.

4 Thus, it has been passed nearly 16 months after the
date of personal hearing.

5 It is common ground that the Hon'ble Supreme Court
has emphasized time and again that the orders pursuant to a
personal hearing either by a court or the Tribunal or any quasi
judicial body ought to be passed expeditiously and within a
reasonable time. What could be said to be a reasonable time
depends upon the facts and circumstances in each case.

6 However, bearing in mind that the Revenue's orders

have immediate impact and parties ought to know their position in financial year-to-year, it is not proper that such an enormous delay should take place. It is not a case where we find that any reason can be assigned for a hopelessly delayed order.

7 In the circumstances, on this short ground alone, we quash and set aside the impugned order.

8 The subject show cause notice shall now be reheard and re-adjudicated by the adjudicating officer. Meaning thereby, a fresh order shall be passed after a personal hearing to the Petitioner.

9 Mr. Jetly assures the Court that the order should be passed as expeditiously as possible and in any event within a period of three months from today. We accept this statement, made on instructions, as an undertaking given to this Court. We clarify that each and every contention of the Petitioner is kept open. We direct that in passing a fresh order, the adjudicating authority shall not be influenced by any of the earlier observations and findings. He shall

pass an order after fresh application of mind to the controversy.

10 Rule is made absolute in the above terms, with no order
as to costs.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)