

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.19291 of 2015

and

M.P.No.1 of 2015

M/s.P.R.Agencies
rep. by its Managing Partner
Shri.S.Ravichandran
No.7 Morrison 1st Street
Alandur Chennai-16

... Petitioner

Vs

1. The Commissioner of Customs
Chennai VIII Commissionerate Custom House
No.60 Rajaji Salai Chennai-1
2. The Traffic Manager
Chennai Port Trust Administrative Office
Rajaji Salai Chennai-1

... Respondents

This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order dated 24.6.2015 in F.No.CHN.R-515/CHA issued by the 1st respondent and quash the same

For petitioner : Mr.Hari Radhakrishnan

O R D E R

This writ petition has been filed by M/s.P.R.Agencies, represented by its Managing Partner Shri.S.Ravichandran, challenging the order of prohibition issued under the provisions of Regulation 23 of the Customs Broker Licensing Regulations, 2013, by the Commissioner of Customs, Chennai VIII.

2. On receipt of a complaint dated 05.06.2015 received from the Chennai Port Trust, based on the complaint received from Bangalore Metro Rail Corporation Limited, dated 08.04.2014, stating that the

Customs Broker had tampered and forged the Import Application No.2079582 dated 03.03.2014 filed for clearance of line No.1 of VSN No.25199/59352/123/14 of the vessel Mv.BBC Tasmania, the Commissioner of Customs (Chennai VIII), after carefully perusing the complaint and the documents submitted by the Chennai Port Trust, coming to the conclusion that the Customs Broker had indulged in a misconduct by way of forging the documents of Chennai Port Trust, which would amount to breach of trust and betrayal, issued the impugned order of prohibition dated 24.06.2015, however, invited the petitioner for personal hearing on 15.07.2015 at 11.30 a.m.

3. Assailing the correctness of the order of prohibition dated 24.06.2015, the learned counsel for the petitioner would submit that the 1st respondent cannot look into the complaint dated 05.06.2015 received from the Chennai Port Trust.

4. The above contention of the learned counsel for the petitioner cannot be accepted for the reason that the said complaint of the Chennai Port Trust dated 05.06.2015 is based on one another complaint received from the Bangalore Metro Rail Corporation Limited, dated 08.04.2014. Therefore, this Court is not inclined to interfere at this stage, since the petitioner has been invited to appear for personal hearing on 15.07.2015 and during the course of such personal hearing, the petitioner has got ample opportunities to convince the 1st respondent.

5. For the foregoing reasons, the writ petition cannot be entertained. Hence, the same is dismissed. However, it is open to the petitioner to raise all the issues on merits at the time of personal hearing before the 1st respondent. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS II)

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सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Commissioner of Customs
Chennai VIII Commissionerate Custom House
No.60 Rajaji Salai Chennai-1
2. The Traffic Manager
Chennai Port Trust Administrative Office
Rajaji Salai Chennai-1

+lcc to Mr.Hari Radhakrishnan , Advocate, S.R.No.33174

+lcc to Mr.Rajnish Pathijil, Advocate, S.R.No.33252

W.P.No.19291 of 2015

VSN(CO)
CA(15/07/2015)



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