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2.1 The goods, in the instant case, were detained by the Directorate of Revenue Intelligence (in short DRI) vide panchnamas dated 26.07.2014 and 31.07.2014.

2.2 The respondents issued a Show Cause Notice (SCN) dated 23.01.2015 under Section 110(2) of the Customs Act, 1962 (in short the Act), which was served on the Customs House Clearing Agent (in short, the CHA) of the petitioner, on the very same date.

2.3 The CHA, purportedly, made an endorsement on the SCN on the very same date (i.e. 23.01.2015), stating that no personal hearing was required in the matter.

2.4 Based on the above, the respondents passed an order on the very same date i.e. 23.01.2015, whereby in exercise of powers under the proviso to Section 110(2), they extended the period for issuance of the SCN (which was received by the CHA, on 23.01.2015) by a period of six (6) months.

2.5 Admittedly, the SCN dated 23.01.2015, was received by the petitioner via post, only on 03.02.2015, at 1437 hours.

2.6 Similarly, the order dated 23.01.2015, extending the period for issuance of the SCN was despatched via post on 31.01.2015, at 1904 hours. Therefore, if the date of service of the SCN dated 23.01.2015, on the petitioner is taken into account then, clearly the service was effected beyond the period prescribed under Section 110(2) of the Act.

2.7 The respondents, as in *Santosh Handloom* case [i.e. WP(C) 3598/2015] have argued that service on the CHA, was service, in law, on the petitioner. This submission of the respondents has been discussed in detail in the Santosh Handloom case [i.e. WP(C) 3598/2015], and thereupon, been rejected.

3. Therefore, in the aforesaid circumstances, both the SCN dated 23.01.2015 and the adjudication order dated 23.01.2015, will suffer the same fate. The aforementioned SCN and the adjudication order are quashed. Resultantly, the respondents will have to return the goods seized, to the petitioner. However, as indicated in the *Santosh Handloom* case [i.e. WP(C) 3598/2015], the proceedings qua confiscation can continue. [See para 17 of the judgment of even date, passed in the case of *Santosh Handloom* {i.e. WP(C) 3598/2015}]
4. The captioned petition is disposed of, accordingly.

RAJIV SHAKDHER, J

NOVEMBER 23, 2015

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