

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.2248 of 2003

M/s.Sri Kamakshi Agency
Represented by its
Prop. Sri.K.Natarajan

..Petitioner

-Versus-

1. The Union of India
Represented by its Secretary
Ministry of Finance,
New Delhi.
 2. The Chairman
Central Board of Excise and Customs
South Block, New Delhi.
 3. The Customs Excise and Gold (Control)
Appellate Tribunal
Represented by Member /
Vice-President / President,
Southern Regional Bench,
Sastri Bhavan Annexe Buildings,
No.26, Haddows Road,
Chennai-600 006.
 4. The Commissioner of Customs
Custom House, No.33, Rajaji Salai
Chennai-600 001.
- ... Respondents

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records of the 3rd respondent relating to final order No.905/2002 dated 12.08.2002 in C/251/96/MAS, under Section 130E of the Customs Act 1962 (52 of 1962) which was received actually on 05.09.2002 and quash the same.

For Petitioner	:	No Appearance
For R1, R3 & R4	:	Mr.K.Mohana Murali
For R2	:	Dr.S.Seethalakshmi
		Standing Counsel for
		Customs & Central Excise

ORDER

This writ petition has been filed to call for the records of the 3rd respondent relating to final order No.905/2002 dated 12.08.2002 in C/251/96/MAS, under Section 130E of the Customs Act, 1962 (52 of 1962) which was received actually on 05.09.2002 and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 5th respondent.

3. The petitioner was granted Customs House Agents Licence at Coimbatore on 09.03.1992 under Regulation 10(1) of Custom House Agent Licencing Regulations (CHAIR), 1984. It was alleged that the petitioner had facilitated illegal exports by three parties who had evaded Customs duty to the tune of Rs.80 lakhs. On this allegation, enquiry was conducted under the Customs House Agents Licencing Regulations, 1984 and the Commissioner of Customs, by order dated 21.05.1996, revoked the CHA licence of the petitioner.

4. The petitioner approached CEGAT, Chennai challenging the order passed by the Commissioner of Customs. The CEGAT modified the order passed by the Commissioner of Customs by restoring the suspension order of the CHA Licence upto 01.01.1997 only. At the time of implementing the order of the CEGAT, the department came to know that the main CHA Licence that was issued to the petitioner at Coimbatore was not renewed.

5. Therefore, the department filed an application before the CEGAT for certain clarification. The CEGAT, vide order No.47/97 dated 17.04.1997, observed that since a question of law has arisen in this regard with respect to legality of the order passed by the Tribunal, the matter should be referred to the High Court for a decision.

6. A Division Bench of this Court by order dated 12.10.2000 in RC.No.4 of 1997, upheld the order of the Commissioner of Customs revoking the licence of the petitioner and further, held that the order of the Tribunal suspending the licence of the petitioner only till 01.01.1997 is wholly illegal. The reference was thus answered by the Division Bench of this Court and the matter was once again sent to the CEGAT, based on which, the CEGAT has passed the impugned order dated 12.08.2002. The petitioner took the matter to Supreme Court and lost there.

7. Thereafter, it is not open to the petitioner to challenge the order of CEGAT dated 12.08.2002, as the same is pursuant to the reference that was answered by the Division Bench of this Court.

Hence, this petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
The Union of India
Ministry of Finance,
New Delhi.
2. The Chairman
Central Board of Excise and Customs
South Block, New Delhi.
3. The Member / Vice President / President
The Customs Excise and Gold (Control)
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No.26, Haddows Road,
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4. The Commissioner of Customs
Custom House, No.33, Rajaji Salai
Chennai-600 001.

+1cc to Mr.K. Jayaraman, Advocate, S.R.No.74112
+1cc to Dr.S. Seethalakshmi, Advocate, S.R.No.74405

MV(CO)
EU 23.11.17

W.P.No.2248 of 2003

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