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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 132/2016

HIM LOGISTICS PVT. LTD

..... Petitioner

Through Mr.Arshad Hidayatullah, Sr.Advocate
with Mr.Priyadarshi Manish and Ms.Anjali
Manish, Advocates

versus

THE COMMISSIONER OF CUSTOMS (GENERAL)..... Respondent

Through Ms.Sonia Sharma, Senior Standing
Counsel with Mr.C.P. Pandey, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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26.02.2016

1. The challenge in this petition, by the Petitioner, who is a Customs House Agent (CHA), is to an order dated 14th February, 2015 passed by the Commissioner of Customs (General) revoking the Petitioner's CHA licence, forfeiting the entire security deposit amount of Rs. 75,000 and levying a the penalty of Rs50,000 under Regulation 22 read with Regulation 20 (7) of the Customs Broker Licensing Regulations, 2013.

2.The Court has heard the submissions of Mr. Arshad Hidayatullah, learned Senior counsel for the Petitioner and Ms. Sonia Sharma, learned counsel for the Respondent.

3. Admittedly the impugned order is an appealable one. Under Section 19 A of the Customs Act 1962 ('Act') and appeal lies to the Customs Excise and

Service Tax Appellate Tribunal (CESTAT).

4. The submission of Mr. Hidyatullah is that the impugned order relies on statements collected behind the back of the Petitioner and therefore, is violative of the principles of natural justice. He submits that in such circumstances, the Court should not relegate the Petitioner to the alternate remedy of a statutory appeal.

5. Having considered the above submission in light of the impugned order, the Court is not inclined to exercise its jurisdiction and entertain the present petition since an effective and efficacious alternative statutory remedy of appeal is available to the Petitioner under Section 129 A of the Act.

6. Consequently, while leaving it open to the Petitioner to approach CESTAT in accordance with law, the Court declines to interfere and directs that if a request is made by the Petitioner to the CESTAT for an expedited hearing and disposal of the appeal, then considering the fact that the Petitioner's CHA licence stands revoked for several months from now, such request may be considered favourably by the CESTAT. The writ petition is disposed of in the above terms.

S.MURALIDHAR, J

VIBHU BAKHRU, J

FEBRUARY 26, 2016

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