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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CUSAA 32/2016 & CM Nos.47872-73/2016**

COMMISSIONER OF CUSTOMS Appellant

Through: Mr. Harpreet Singh Ajmani,
Advocate.

Versus

P.I. LOGISTICS INDIA PVT. LTD. Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% 23.12.2016

The Commissioner of Customs is aggrieved by the decision of the Customs Excise and Service Tax Appellate Tribunal (CESTAT), whereby the order of the Adjudicating Authority holding the respondent culpable and revoking its Customs House Agent's (CHA) licence was set aside.

The respondent was alleged to have defaulted in compliance alongwith Customs Broker Licensing Regulations, 2013, especially Regulations 11(d) and 11(e) and inasmuch as it failed to exercise due diligence and carry out the necessary checks in regard to the imported consignments. The enquiry report held that the respondent's guilt had not been established, however, the Disciplinary/Adjudicating Authority held otherwise. The Tribunal in its decision found fault with the procedure adopted and held that without affording an opportunity, the Disciplinary/

Adjudicating Authority could not have been revoked the license, in view of the findings in that regard by the enquiry report.

Counsel for the appellant urges that even though the Tribunal's findings with respect to natural justice and not granting an opportunity cannot be *per se* found fault with, but it ought to have remitted the matter.

The facts of this case disclose that the show-cause notice was issued on 16.04.2015; the enquiry officer's report was made on 30.06.2015; the Disciplinary Authority's order was made on 06.10.2015 and the impugned order of the CESTAT is of 28.04.2016. In other words, the technical breaches alleged against the respondent, even if held well founded, are of no such magnitude as to deprive it of the CHA licence, altogether.

In view of the foregoing discussion, the Court is of the opinion that since the revocation operated for over six months, in the larger interest of the justice, remitting the matter for granting fresh opportunity and further decision, at least having regard to the allegations against the respondent, are not warranted. No substantial question of law arises. The appeal and the accompanying applications are, therefore, dismissed.

S. RAVINDRA BHAT, J.

NAJMI WAZIRI, J.

DECEMBER 23, 2016

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