Sharayu.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO. 8 OF 2016

WITH

NOTICE OF MOTION No. 336 OF 2016

The Principal Commissioner of Customs (General) **...Appellant**

Versus

Harini Freight Logistics **...Respondent**

Mr. Pradeep S. Jetley, for the Appellant.

Mr. Ishaan Patkar, i/b TJS Legal, for the Respondent.

CORAM : ABHAY S. OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 28 August 2017

ORDER :

1. By the impugned order dated 21 April 2015 passed by the Customs, Excise and Service Tax Appellate Tribunal, West

Zonal Bench, Mumbai (for short "***the Appellate Tribunal***"), the said Tribunal has set aside the order passed by the Commissioner of Customs (General), Mumbai on 8 October 2014 (**Exh.C**). The operative part of the said order reads thus:-

> *" .... This delay itself is not explained satisfactorily. In any case as we have held above, prohibition under Regulation 23 is set aside.*
>
> *Accordingly, we set aside the impugned order. The appeal is accepted and the appellant is allowed to work as Customs Broker in the Mumbai Customs Zones-I, II & III with immediate effect."*

2. The order of prohibition against the Respondent was to continue pending enquiry proceedings under Regulation 20 of Customs Brokers Licensing Regulations, 2013 (for short "***CBLR, 2013***"). The enquiry proceedings came to an end by virtue of order dated an 30 June 2015 passed by the Commissioner of

Customs, Chennai – VIII. By the said order, further proceedings against the Respondent were dropped.

3. Even if the Revenue succeeds in the present Appeal, the order of the Commissioner of Customs, General, Mumbai dated 8 October 2014 will be revived. Even if the said order is revived, the same will not operate in the light of the order dated 30 June 2015 passed by the Commissioner of Customs, Chennai in the enquiry proceedings under Regulation 20 in CBLR, 2013.

4. The learned Counsel appearing for the Appellant submits that an Application for review of order dated 30 June 2015 has been filed, but the outcome was not known.

5. The learned Counsel appearing for the Respondent has placed on record an order dated 3 October 2016 passed by Customs, Excise and Service Tax Appellate Tribunal, South Zonal Bench, Chennai, by which an order of remand was passed by the Appellate Tribunal. He has also placed on record an order

made by the Commissioner of Customs, Chennai – VIII, by which penalty of Rs. 50,000/- was imposed on the Respondent. However, order of prohibition was not continued.

6. In view of the aforesaid factual aspects, controversy involved in this Appeal has become academic and accordingly, the Appeal is disposed of.

7. Pending Notice of Motion does not survive and is disposed of accordingly.

[RIYAZ I. CHAGLA J.] **[ABHAY S. OKA, J.]**