

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.35588 of 2016

ORDER: (per SK,J)

This writ petition was filed assailing the show cause notice dated 30.07.2015 issued by the Additional Commissioner, office of the Principal Commissioner of Customs, Basheer Bagh, Hyderabad, on the ground that the same was void *ab initio* and without jurisdiction apart from being violative of the principles of natural justice.

By order dated 21.10.2016, this Court took note of the fact that the main grievance of the petitioner was that no opportunity was given to cross-examine the proper officers on the strength of whose reports the proceedings had been initiated under the impugned show cause notice. The request of the petitioner to enable such cross-examination was rejected under proceedings dated 19.09.2016. However, learned Assistant Solicitor General for India was directed to get instructions on the limited question of making available the officers for cross-examination and in the meantime, this Court directed that further proceedings and adjudication should not go on.

Thereafter, W.P.M.P.No.6780 of 2017 was filed by the petitioner naming the four Inspectors and the four Superintendents whom he wished to cross-examine apart from the Investigating Officer, whose identity was not known to him.

Sri B.Appa Rao, learned counsel representing Sri B.Narayana Reddy, learned Assistant Solicitor General for India, placed before us a copy of the communication dated 28.12.2016 received from the Adjudicating Authority, the Assistant Commissioner, office of the Principal

Commissioner of Customs, Basheer Bagh, Hyderabad, wherein he stated that permission was granted for cross-examination of the named officers and that he had communicated the same vide letter dated 02.11.2016.

In that view of the matter, as the authorities are now willing to allow the petitioner the opportunity of cross-examining the named officers and the Investigating Officer, the writ petition is disposed of directing the Additional Commissioner, office of the Principal Commissioner of Customs, Basheer Bagh, Hyderabad, to make available the four named Inspectors and the four Superintendents apart from the Investigating Officer for cross-examination on stipulated dates by giving adequate prior notice to the petitioner. After such cross-examination is concluded, the Adjudicating Authority shall take a decision as to whether it would still be necessary to proceed against the petitioner in terms of the show cause notice dated 30.07.2015. If the Adjudicating Authority decides to do so, reasons therefor shall be communicated to the petitioner.

Interim order dated 21.10.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:04.07.2017

GJ