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

\+ W.P.(C) 3537/2018 & CM Nos.13976-77/2018

HLPL GLOBAL LOGISTICS PVT. LTD. ..... Petitioner
Through: Mr. Priyadarshi Manish & Ms. Anjali J. Manish, Advocates

versus

THE COMMISSIONER OF CUSTOMS (GENERAL), NEW CUSTOMS HOUSE, NEW DELHI & ORS. ..... Respondents
Through: Mr. Harpreet Singh, Senior Standing Counsel

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

<u>O R D E R</u>

% **11.04.2018**

This is the third round of litigation by the petitioner, HLPL Global Logistics Pvt. Ltd., a customs clearing agent, to whom a Show Cause Notice dated 17.8.2017 has been issued under Customs Brokers Licensing Regulation, 2013 (‘Regulation’).

Learned counsel for the petitioner submits that a statement recorded under Section 108 of the Customs Act, 1962 cannot be relied upon in the inquiry proceedings. He relies upon the Regulations. He submits that three different dates that were fixed by a common order were communicated to the petitioner. Such procedure has been adversely commented upon by different High Courts. The petitioner has been denied right to cross-examine Puneet Mahendru and Rajesh Chhabra, request for which was made vide letter dated 28.2.2018.

Learning Counsel for the respondents, who appears on advance notice, states that the petitioner's objections against the Inquiry Report, including the contention that the petitioner has been denied right to cross-examine Puneet Mahendru and Rajesh Chhabra, can be raised before the Commissioner of Customs, who is yet to pass an order under Regulation 20(7) of the Regulation. Learned counsel for the respondents further states that after order of this Court dated 4.1.2018, the first hearing took place on 16.1.2018 and thereupon the dates were fixed on 23.2.2018/ 26.2.2018 and 28.2.2018, at the option of the petitioner. Thereafter, Inquiry Report dated 8.3.2018 has been submitted to the Commissioner of Customs.

In view of the submissions made by learned counsel for the respondents, it is open to the petitioner to raise these contentions and issues before the Commissioner of Customs, who will examine them and pass appropriate speaking orders in accordance with law. If deemed appropriate and required, it will also be open to the respondents to record evidence etc.

At this stage, learned counsel for the petitioner states that time for filing of objections against the Inquiry Report has expired. He submits that petitioner, within the prescribed time-limit, had filed the present writ petition.

We grant seven days' time to the petitioner to file objections to the Inquiry Report, raising all issues and contentions. In case the petitioner files objections within seven days, the same would not be dismissed on the ground that they were barred by limitation.

The writ petition is accordingly disposed of, without any order as to costs. We have not commented on merits, or made any observations on facts and law. In case of an adverse order, it would be open to the petitioner to challenge the same in accordance with law. CM Nos.13976-77/2018 are also disposed of.

Dasti under signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

APRIL 11, 2018
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