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

+ W.P.(C) 6571/2018, CM APPL. 25077/2018

M/S SWASTIK CARGO AGENCY Petitioner
Through: Mr. V.V. Gautam, Mr. Prashant Dubey &
Ms. Anjali Singhal, Advs.

versus

COMMISSIONER OF CUSTOMS (GENERAL) Respondent
Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.12.2018**

The Court has heard the counsel for the parties. It appears that the impugned show cause notice has resulted in an order by the Commissioner revoking the customs brokers licence. The Court is of the opinion that the petitioner should avail his appellate remedy i.e. before the CESTAT. In the event of his doing so, it is also open for the petitioner to seek appropriate orders for cross-examination of the witnesses, which claim was denied despite the regulations and requests made in that regard to the adjudicating authority. In case, such application is made, the appropriate remand proceeding – confined to a direction with respect to the cross-examination of the witnesses - shall be made by CESTAT. The CESTAT, however, should not remit the entire matter for reconsideration but rather keep the appeal on its file

and await the result of the report with respect to the cross-examination and thereafter, proceed to dispose of the appeal before it on the merits in accordance with law as expeditiously as possible.

The writ petition is disposed of in the above terms.

Order *dasti* under the signatures of the Court Master.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

DECEMBER 05, 2018/akv