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

+ **W.P.(C) 7098/2017**

SHIV SHAKTI TRADING COMPANY

..... Petitioner

Through: **Ms.Anjali J. Manish and Mr.Sagar
Rohatgi, Advocates.**

versus

THE COMMISSIONER OF CUSTOMS (PREVENTIVE) & ANR.

..... Respondents

Through: **Mr.Harpreet Singh, Sr. Standing
Counsel.**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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03.07.2018

The petitioner's complaint is that it was not served with a copy of the order passed by the adjudicating authority. The respondent in these proceedings alleges that after the completion of the previous proceedings, when the order was made by the adjudicating authority, every effort was made to serve the petitioner at the last given address. It is also pointed out by the counsel for the respondent that even the Court record is discrepant with respect to the correct address, inasmuch as in most of the places the address is stated to be A-84FF, Saraswati Vihar and at another place the address is shown to be 147, A Block, Saraswati Vihar. This Court is of the opinion that *prima facie* the respondent cannot be faulted with in the manner the

petitioner alleges. At the same time, the respondent has stated fairly that every attempt was made to serve the petitioner at the given address. The respondent however alleges that the petitioner tried to evade the service of the impugned order.

Having regard to all the overall circumstances, the Court is of the opinion that no useful purpose would be served in investigating as to whether the petitioner intentionally evaded receiving the impugned order. It is a matter of fact that the recovery proceedings have been initiated and the petitioner's remedy is only to appeal against the adjudicatory order.

In these circumstances, the petitioner is relegated to the appellate remedy; if it approaches the Commissioner within two weeks from today with an appeal, the same shall be heard and disposed of in accordance with law, unhindered by the question of limitation. The Commissioner is requested to deal with all the contentions urged by the petitioner.

The writ petition is disposed of in the above terms.

Copy of this order be given *dasti*.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JULY 03, 2018

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