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

+ **W.P.(C) 3894/2019**

**DK GLOBAL EXPO COMPANY**

**(THROUGH: PARTNER DEEPAK MITTAL)**

..... Petitioner

Through: Dr. G.K. Sarkar, Ms.Malabika Sarkar,  
Mr.Prashant Srivastava and Mr.Deepak  
Mahajan, Advocates.

versus

**COMMISSIONER OF CUSTOMS, ICD, TKD (EXPORT) & ANR.**

..... Respondent

Through: Mr.Harpreet Singh with Ms.Suhani  
Mathur and Mr.Ankit Singh, Advocates  
for R-1.

**CORAM:**  
**JUSTICE S.MURALIDHAR**  
**JUSTICE TALWANT SINGH**

**ORDER**  
% **23.09.2019**

1. The original record has been brought to the Court, which shows that although notice was issued to the Petitioner by speed post on 18<sup>th</sup> September, 2018 for the hearing on 11<sup>th</sup> October 2018, there is no proof available in the record to show that such notice was in fact served on the Petitioner.

2. It is also seen from the file that a letter was sent by the Office of the Commissioner of Customs (Export), ICD, Tughlakabad to the Senior Superintendent of Post Offices, AGCR Enclave, Krishna Nagar for ascertaining whether the said speed post letter was delivered. However, Mr. Harpreet Singh, learned senior Standing counsel informs the Court that till date no reply has been received from the postal authority.

3. In the circumstances, the Court is inclined to accept the plea of the Petitioner that notice of the hearing for 11<sup>th</sup> October, 2018 was in fact not served on the Petitioner. The final hearing of the matter by the adjudicating authority admittedly took place on 11<sup>th</sup> October 2018 and the impugned adjudication order was passed on 30<sup>th</sup> October, 2018.

4. Accordingly, the Court sets aside the adjudication order and remands the matter to the adjudicating authority for a fresh adjudication. The Petitioner will now appear before the adjudicating authority on 15<sup>th</sup> October, 2019 at 10:30 a.m.

5. The amount encashed by invoking the bank guarantee will now be kept by the Respondents in a fixed deposit in a nationalised bank, a copy of which receipt will be provided to the Petitioner at the time of his appearance before the adjudicating authority. The adjudicating authority will pass appropriate orders in relation to such amount as well at the time of disposal of the show cause notice.

6. The petition is disposed of in the above terms.

7. Order *dasti*.

**S. MURALIDHAR, J.**

**TALWANT SINGH, J.**

**SEPTEMBER 23, 2019**

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