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

+ W.P.(C) 8481/2018

SHRI MANORANJAN KUMAR Petitioner

Through : Ms. Anjali J. Manish,
Mr. Priyadarshi Manish and
Ms. Nidhi Saini, Advs.

versus

THE COMMISSIONER OF CUSTOMS (GENERAL), NEW
CUSTOMS HOUSE, NEW DELHI & ORS. Respondents

Through : Mr. Harpreet Singh, Sr. Standing
Counsel with Ms. Suhani Mathur,
Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.03.2019

Counter affidavit filed by the respondent no.4 clarifies that the alert circular dated 12.07.2018 and a subsequent letter dated 10.08.2018 have been withdrawn by an office order dated 15.10.2018.

The controversy with respect to the alert circular, issued by the Delhi Commissionerate on 26.06.2018 in respect of the petitioner (G.Card holder), has however not been adequately addressed by the respondents. In respect of the same transactions, proceedings had also been commenced against the Customs broker. The record would show that by an order dated 16.03.2018, the Commissioner of Customs had exonerated the customs broker of any misconduct. The concerned

findings with respect to the Customs Broker Licencee are as follows :

“13. In view of the above, I find that no concrete evidence against the said CB has been brought on records to establish the contravention of provision of CBLR, 2013 or any other role in the said offence against the said CB. Thus, I hold that the allegation of Contravention of Provision of Regulation 11(d), 11(e), 11(k), 17(1) and 17(9) of CBLR, 2013 on the part of CB are not established till date. However, the allegation of Contravention of Provision of Regulation 11(m) of CBLR, 2013 are not so grave in nature that the license should be remained suspended and revoked. Accordingly, I hold that the continuation of suspension of the CB is not warranted in the present case. However, if new facts emerges/establish at the later stage actions in the terms of provisions of CBLR, 2013 may be taken against the said CBs.”

Apparently the Revenue/Customs Department had appealed this order before the CESTAT; the appeal was rejected on 30.10.2018 (Final Order No.53219/2018).

In view of the above discussion, this court is of the opinion that there is no rationale or justification for the alert circular dated 26.06.2018 which is accordingly quashed.

This writ petition is allowed in the above terms.

Dasti.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

MARCH 06, 2019

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