

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2020

CORAM

THE HON'BLE MR. JUSTICE C. SARAVANAN

W.P. No. 5550 of 2015

D.Gowtam Chakraborty

... Petitioner

-vs-

The Joint Commissioner of Customs
(Adjudication-AIR)
O/o. The Principal Commissioner of
Customs Commissionrate
Chennai-1(Airport)
New Customs House,
Meenambakkam,
Chennai-600 027.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order in order in original No.95/17/02/2015 dated 17.02.2015 of the respondent and to quash the same in so far as the Petitioner is concerned.

For Petitioner : Mr. K. Mahendran

For Respondent : Mr. S.Rajasekar
Standing Counsel

O R D E R

The petitioner has challenged the impugned order in order originally passed by the Joint Commissioner of Customs (Adjudication-AIR) in the order in original No. 95/17/02/2015, dated 17.02.2015. The same order was challenged by the main noticee in W.P. No. 10813/2015. The said writ petition came to be disposed of on 19.08.2019, with the following observation:

"6. This Court is of the view that if an opportunity is granted to the petitioner to substantiate his claim before the original authorities by taking a lenient view, the ends of justice would be met. As such without going into the merits of the case or any of the other grounds raised by the petitioner, the order in original dated 17.02.2015 is set aside and the matter is remanded back to the respondent

herein for fresh consideration. The petitioner is at liberty to file his objections within a period of 30 days from the date of receipt of a copy of this order and the respondent herein shall consider and dispose of the objections as expeditiously as possible in any event within a period of three months thereafter."

2. As per the above said order, the respondent was directed to pass appropriate orders within a period of three months from the date of receipt of the copy. However, due to filing of the present writ petition, the respondent has been unable to take up the proceedings. It is to be noted that by order dated 19.08.2019 in W.P.No.10816 of 2015, the impugned order dated 17/02/2015 has been set aside and the case has been remanded back for fresh consideration.

3. In view of the facts and circumstances of the case, I am inclined to pass similar order in the present writ petition. Accordingly, the writ petition stands allowed in terms of the above order in W.P. No. 10816 of 2015, dated 19.08.2019. The respondent is directed to pass appropriate orders within a period of three months from the date of receipt of a copy of this order. The respondent shall permit the petitioner to file additional representation if any, Before passing of orders, by the respondent, the petitioner shall appear in person before the respondent. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssi
To

The Joint Commissioner of Customs
(Adjudication-AIR)
O/o. The Principal Commissioner of
Customs Commissionrate
Chennai-1(Airport)
New Customs House,
Meenambakkam,
Chennai-600 027.

+lcc to Mr.S.Rajasekar , Advocate SR.No. 5531
+lcc to Mr.K.Mahendran , Advocate SR.No. 5470

W.P. No. 5550 of 2015

A.SK(04/03/2020)