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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4358/2020 & CM APPL. 15694/2020 (for interim relief).
RAMESH CHADHA Petitioner

Through: Mr. Shikhar Khare, Adv.

versus

PRINCIPAL COMMISSIONER OF CUSTOMS
(IMPORT) Respondent

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

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **20.07.2020**

[VIA VIDEO CONFERENCING]

**CM APPL. 15695/2020 (for exemption) & CM APPL. 15696/2020
(exemption from filing duly attested affidavits and furnishing an
undertaking to pay the requisite court fees).**

1. Allowed, subject to just exceptions and as per the extant rules.
2. The applications are disposed of.

W.P.(C) 4358/2020 & CM APPL. 15694/2020 (for interim relief).

3. The petition seeks quashing of 84 notices issued by the Customs Department to the petitioner, to show cause why penalty under Section 112(b)(ii) read with 114AA of the Customs Act, 1962, for improper importation of goods etc., be not imposed against the petitioner. Some of the show cause notices having already been decided and orders of imposition of penalty having been passed therein against the petitioner, challenge in the petition has also made to the said orders. Though the said orders are statutorily appealable

and appeals are stated to have been preferred and pending but still this petition is filed, contending that the contents of the show cause notices issued, insofar as against the petitioner and the findings returned in the decisions pursuant to some of the show cause notices, do not show any case against the petitioner under Section 112(b)(ii) to have been made out.

4. Though the counsel for the respondent appearing on advance notice, at the outset only has contended that the writ petition is not maintainable and ought not to be entertained owing to the appellate remedy available but in view of challenge in law to the show cause notice itself being permissible in certain circumstances, we have heard the counsel for the petitioner at length but are unable to find any case, for quashing of the show cause notices or the orders passed in pursuance thereto, in writ jurisdiction, at this stage, to have been made out.

5. The counsel for the petitioner seeks to withdraw the petition with liberty to pursue the statutory appeal.

6. The petition is dismissed as withdrawn with liberty to pursue the statutory remedies.

7. The counsel for the petitioner at this stage states that owing to multiple show cause notices, as many as 84 in number, having been issued to the petitioner, the petitioner, who is 80 years of age, is suffering and facing difficulty and seeks consolidation of all the proceedings.

8. We have enquired from the counsel for the petitioner, whether any representation to the said effect has been made to the authorities.
9. The answer is in the negative.
10. The petitioner shall be entitled to make a representation for consolidation to the authorities concerned and which representation if made, shall be dealt with in accordance with law and the facts.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

JULY 20, 2020

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