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

+ CUSAA 231/2019

COMMISSIONER OF CUSTOMS Appellant

Through: Mr. Harpreet Singh, Advocate.

versus

M/S KVS CARGO Respondent

Through: Mr. Devesh Tripathi, Advocate with
Mr. Mukeshwar Nath Dubey and
Mr. Faraz Anees, Advocate.

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Date of Decision: 24th August, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

CM APPL. 20143/2020

Allowed, subject to all just exceptions.

CM APPL. 20142/2020

1. The present application filed by the respondent for early hearing has been heard by way of video conferencing.
2. Issue notice.
3. Mr. Harpreet Singh, learned counsel, accepts notice.

4. For the reasons stated in the application, the same is allowed and with the consent of both the counsel, the Appeal is taken up for final hearing.

CUSAA 231/2019

5. The present appeal under Section 130 of the Customs Act has been filed challenging the order dated 23rd January, 2018 passed by the Customs, Excise and Service Tax Appellate Tribunal (for short “the Tribunal”) by which the order revoking respondent’s Customs Broker Licence was set aside, subject to payment of penalty of Rs. 50,000/- and forfeiture of security deposit amounting to Rs. 75,000/-.

6. Learned counsel for the respondent-applicant states that the impugned order of the Tribunal has been set aside by a Coordinate Bench of this Court vide order dated 9th October, 2018 passed in CUSAA 159/2018, filed by the applicant/respondent whereby the decision of the Tribunal to set aside the order of revocation was upheld but the penalty and forfeiture were set aside. He further states that despite no stay being granted by this Court, the applicant/respondent’s Customs Broker Licence has not been restored till date.

7. Mr. Harpreet Singh candidly admits that the issue raised in the present appeal is squarely covered by the decision of a Coordinate Bench of this Court in CUSAA 159/2018 dated 09th October, 2018. He has no objection to the present appeal being disposed of today itself.

8. Keeping in view the aforesaid, we are not inclined to entertain the present appeal and accordingly the same is dismissed. The appellant is directed to restore the petitioner’s Customs Broker Licence within three weeks.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

AUGUST 24, 2020

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