

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7877 of 2017

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Md. Mehar Ali S/o Late Abdul Barik R/o Village-Lohagara, P.O. and P.S.-
Korhobari, District-Kishanganj, Bihar, Pin-855101.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Finance, Delhi
2. The Commissioner, Custom and Excise, Bhagalpur, Division (Bihar)
3. The Assistant Commissioner, Custom Preventive, Division Farbesganj,
District-Araria.
4. The Commandant Seema Suraksha Bal (S.S.B.), Kishanganj
5. The Superintendent, LCS Galgali W.R.T. this Unit Case No. 102/15-16
6. The Superintendent (Disposal), Custom (P), Division, Farbesganj.
7. The Superintendent (ARC), Custom (P) Division, Farbesganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate Mr. Satish Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Anshuman Singh, Sr. S.C. Customs

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-01-2021

Petitioner has prayed for the following relief(s):

“(A) To quash the order dated 09.11.2016 passed by the respondents Assistant Commissioner, Custom (Preventive), Division Farbesganj, District- Araia, which been passed in violation of the principle of natural justice.

(B) To direct the respondent(s) to refund or Redemption fine of Rs. 70,000/- and penalty amount of Rs. 20,000/-



(Total-90,000/-) illegally imposed upon the petitioner without any valid reason with panel interest of 18%.

(C) To pass any other relief reliefs as may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the appeal which the petitioner shall be filing for redressal of the grievance(s).

As such, petition is disposed of with the direction to the concerned respondent to consider and dispose of the appeal so filed expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order provided the petitioner fully co-operates in the proceeding.

It is clarified that if such appeal is filed within eight weeks, limitation shall not come in the way of adjudicating the appeal.

Also it stands clarified that the proceedings, during the time of current Pandemic- Covid-19, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.



Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Needless to add, while considering such appeal, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises, subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2021
Transmission Date	

