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WPA 17053 of 2021

Abhishek Gupta
Vs

Directorate of Revenue Intelligence, Kolkata Zonal Unit
& Ors.

Mr. Ramakant Gaur,
Ms. Anupa Banerjee,
Ms. S. Arya,
Ms. Prerana Agarwal,
Ms. Sanchita Barman Roy,
Ms. Pooja Shukla
... For the Petitioner.

Mr. K.K. Maiti,
Mr. Sukalpa Seal
... For the Customs Authority.
Mr. Kaushik Dey
... For the Respondent No.1.

Heard learned Advocates appearing for the parties.

In this writ petition, petitioner has challenged the impugned adjudication order dated 21st September, 2021 being Annexure P-9 to the writ petition passed by the Joint Commissioner of Customs (Port)/respondent No.3 on the ground that the same was passed in gross violation of principle of natural justice by not affording effective opportunity of personal hearing to the petitioner in spite of request for personal hearing and also before passing the impugned adjudication order, no opportunity was given to the petitioner to cross-examine the person concerned on whose statement, respondent concerned wanted to rely in course of adjudication proceedings

and further that no legible copies of some of the documents upon which respondent concerned wanted to rely, were provided to the petitioner in spite of its request. In support of these allegations, petitioner has annexed the relevant documents to the writ petition.

Mr. Maiti, learned Advocate appearing for the respondent concerned is not in a position to contradict the aforesaid allegations, which are substantiated by sufficient documents and which are the part of this writ petition.

Considering the submission of the parties and admitted facts which emerged on perusal of relevant documents annexed to the writ petition, I am of the view that there is a gross violation of principle of natural justice in the case of the petitioner in course of impugned adjudication proceedings and at the time of passing the impugned adjudication order and keeping this writ petition pending and calling for affidavit from the respondents will be a futile exercise and I am inclined to dispose of this writ petition by setting aside the impugned adjudication order dated 21st September, 2021 being Annexure P-9 to the writ petition on the ground of violation of principle of natural justice alone and remand the matter back to the officer concerned to reconsider the case of the petitioner and pass a fresh adjudication order after

giving effective opportunity of hearing to the petitioner or its authorised representative after supplying the eligible copies of the relevant documents upon which the respondent concerned wants to rely and also shall allow the petitioner to cross-examine the witnesses upon whose statement the respondent concerned wants to rely in the impugned adjudication proceedings.

It is recorded that this court has set aside the impugned adjudication order only on the ground of violation of principle of natural justice and has not gone into the merits of the case itself.

It is expected that the respondent concerned will dispose of the case of the petitioner expeditiously and without granting any unnecessary adjournment to the petitioner.

This order will be confined to the case of the petitioner herein.

With these observations and directions, this writ petition, being WPA17053 of 2021 is disposed of.

(Md. Nizamuddin, J.)