

OD-3

ORDER SHEET

WPO 154 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PURNANAND RAMCHANDRA MISHRA
Versus
UNION OF INDIA AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 06th January, 2021.

[Via Video Conference]

Appearance

Mr. R. K. Chowdhary, Adv.

Mr. Bhaskar Prasad Banerjee, Adv.

Mr. Amitabrata Roy, Adv.

Mr. P. Baidya, Adv.

The Court: This is an application under article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the customs authority in deciding the issue as directed by the Customs Excise and Service Tax Appellate Tribunal (hereinafter referred to as 'Tribunal').

From the available records it is clear that the Tribunal had specifically directed the adjudicating authority to examine the issues on the basis of the documents of the postal authorities and other evidences.

Mr. Chowdhary, counsel appearing on behalf of the petitioner submits that the same has not been done in spite of three years having elapsed.

In light of the same, I direct the adjudicating authority to act as per the order of the Tribunal within a period of four weeks from the date of communication of this order upon the adjudicating authority. The adjudicating authority shall grant an opportunity of hearing to the petitioner and pass a reasoned order within a period of four weeks and thereafter communicate the reasoned order within two weeks of passing of the same.

Since no affidavit is called for, all allegations made in the writ petition are deemed not to have been admitted by the respondents.

Accordingly, WPO 154 of 2020 is disposed of.

(SHEKHAR B. SARAF, J.)