

WPO/197/2020

IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

SUMAN MONDAL

-Versus-

UNION OF INDIA AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 22<sup>nd</sup> March, 2021.

Appearance:

*Mr. Arijit Chakrabarti, Adv.*

*Mr. Debaditya Banerjee, Adv.*

*Mr. Nilotpall Chowdhury Adv.*

*Mr. Prabir Bera, Adv.*

*...for the petitioner.*

*Mr. Sukanta Ghosh, Adv.*

*...for the Union of India.*

*Mr. K. K. Maiti, Adv.*

*Ms. Aishwarya Rajyashree, Adv.*

*...for the respondents authorities.*

The Court : This is an application under Article 226 of the Constitution of India wherein the petitioner is aggrieved by an order dated December 26, 2019 passed by the Additional Commissioner of Customs (Preventive), CC-(P), West Bengal, Kolkata.

It appears from the records that service of notice of hearing was never made upon the petitioner herein. Mr. Maiti has

also fairly submitted that the service of notice was returned with the noting "insufficient address".

In light of the same, the impugned order cannot operate against the petitioner and is set aside in so far as it relates to the petitioner. The respondent authorities shall be at liberty to once again grant hearing to the petitioner upon proper notice and proceed in accordance with law.

The petitioner shall, however, be at liberty to argue all points before the adjudicating authority, at the time of hearing.

WPO/197/2020 is disposed of accordingly.

Since no affidavit has been filed, allegations contained in the petition are deemed to have not been admitted by the respondents.

(SHEKHAR B. SARAF, J.)