

ORDER SHEET
WPO 647 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

KUNJAL SYNERGIES PVT LTD
Vs.
UNION OF INDIA & ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 16th September, 2021.

(Via Video Conference)

Mr. R.K. Chowdhary,
Mr. T.K. Mitra,
Mr. P. Chatterjee, Advs.
...for the petitioner
Ms. Rajashree Venkat Kundalia,
Mr. Tapan Bhanja, Advs.
...for customs Authorities
Mr. Sujit Mitra, Adv.
...for Union of India

The Court: Heard both the parties.

In this writ petition petitioner has challenged the impugned order dated 3rd September, 2021 being annexure P-8 to the writ petition passed by the Joint Commissioner of Customs, Special Investigation Branch (Port) on the ground that pursuant to my earlier order dated 17th August, 2021 by which direction was given upon the respondent concerned to consider the application/representation of the petitioner dated 23rd July, 2021 in accordance with law and pass reasoned and speaking order after giving opportunity of hearing to the petitioner or its authorised representative but the same has not been complied with in its letter and spirit. On perusal of the impugned order dated 3rd September, 2021 I find that the respondent concerned has made no reference at all of the judgment relied upon by the petitioner in its written notes of submission dated 7th September,

2021 being annexure P-7 to the writ petition. Petitioner submits that its legal contention raised by him also has not been considered in a proper manner in the said impugned order.

Learned advocate appearing for the respondent Customs Authority could not deny the allegation of the petitioner that the judgment relied upon by the petitioner in its written submission has not been considered at all while passing the impugned order.

Considering the submissions of the parties, I am of the view that impugned order is not a speaking one and not in accordance with law and the same is accordingly set aside and remanded to the Commissioner respondent concerned to consider afresh in accordance with law and by passing a reasoned and speaking order and dealing with legal contention and judgment relied upon by the petitioner in its aforesaid representation/application within two weeks from the date of communication of this order upon giving an opportunity of hearing to the petitioner or its authorised representatives.

Points raised in this writ petition are kept open.

WPO 647 of 2021 is disposed of.

(MD. NIZAMUDDIN, J.)

