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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19812 of 2021

and

W.M.P.No.21094 of 2021

M/s.Veeranarayana Metal Alloys Pvt. Ltd.,
Represented by its Managing Director,
Mr.K.R.Mohankumar,
Aged 39 years,
Survey No.81/2, Bhadrapura, Lakkenahalli Village & Post,
Kunigal Road, Solur Hobli, Magadi Taluk,
Ramnagar District-562 127,
Karnataka. ..Petitioner

Versus

The Joint Commissioner of Customs (Gr.4),
Custom House,
No.60, Rajaji Salai,
Chennai-600 0001. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondent viz., File No.S.Misc.133/22/2018-Gr-4; DIN No.20210473MX000000AF69 culminating in the issue of the Order in Original No.83809/2021 dated .04.2021 from File No.S.Misc.133/22/2018-Gr-4; DIN No.20210473MX000000AF69 and quash the same.

For Petitioner : Mr.S.Murugappan

For Respondent : Mr.H.Siddarth Bhandari
Senior Panel Counsel for Customs

ORDER

Mr.H.Siddarth Bhandari, the learned Senior Panel Counsel takes notice on behalf of the respondent.

2. Heard the learned counsel for the petitioner and the learned Senior Panel counsel for the respondent.

3. This writ petition is disposed on the limited ground



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considering the fact that the impugned order has been passed without hearing the petitioner. Though the facts on record indicates that after filing a reply, a request was made by the petitioner on 15.02.2021 for a short adjournment by 15 days time. Along with the main typed set of papers, the learned counsel for the petitioner has enclosed a copy of the postal receipt evidencing the notice being sent on 15.02.2021. The learned counsel for the petitioner also filed an additional typed set of documents evidencing a copy of the postal acknowledgment which shows postal seal of the notice sent with a request dated 15.02.2021 was indeed received by the office of the respondent. That apart, it is noticed that though the notice for hearing was fixed on 16.04.2021, an undated impugned order has been passed during the month of April 2021. By that time, the letter despatched by the petitioner on 15.02.2021 would have been communicated to the respondent.

4. Since the impugned order passed by the respondent is violation of principles of natural justice, the impugned order is quashed and the case is remitted back to the respondent with a direction to pass appropriate orders on merits and in accordance with law, within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall also be heard before the orders are passed by the respondent.

5. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

The Joint Commissioner of Customs (Gr.4),
Custom House,
No.60, Rajaji Salai,
Chennai-600 0001.

+lcc to Mr.S.Murugappan, Advocate, S.R.No.59503

W.P.No.19812 of 2021
and
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AD(CO)
SB(14/12/2021)