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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 09.07.2021*

+ **W.P.(C) 6256/2021**

ANKIT KISHAN JALAN

..... Petitioner

Through **Mr. Prem Ranjan Kumar, Advocate.**

versus

**THE PRINCIPAL COMMISSIONER OF
CUSTOMS & ANR.**

..... Respondents

Through **Mr. Harpreet Singh, Senior Standing
Counsel with Ms. Suhani Mathur,
Advocate for Respondents.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings have been conducted through video conferencing.

**CM No. 19809/2021 (Exemption from filing certified copies of
annexures)**

Allowed, subject to all just exceptions.

Application is disposed of.

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1. At the outset, Mr. Prem Ranjan Kumar learned counsel for the
Petitioner submits that suffice would it be for the disposal of the writ

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petition that suitable direction is issued to the Adjudicating Authority to allow the Petitioner to cross-examine six witnesses whose names are referred to in the document annexed at page 119 (Annexure-4) to the present writ petition.

2. Petitioner has impugned herein an Order-in-Appeal dated 30.09.2020 upholding the Order-in-Original dated 22.04.2020 passed by the Adjudicating Authority. Petitioner had sought cross-examination of six witnesses, whose statements were relied upon while issuing the show cause notice. The Adjudicating Authority rejected the request of the Petitioner and aggrieved by the said order, Petitioner had filed an appeal before the Commissioner of Customs (Appeals), which was rejected by the impugned order and the order of the Adjudicating Authority was upheld.

3. It is submitted by Mr. Kumar that vide letter dated 30.12.2019 request was made to the Adjudicating Authority to permit cross-examination of the six witnesses mentioned therein, but the request was declined and the order has been upheld by the Appellate Authority. Denial of opportunity to cross-examine the witnesses is violative of the principles of natural justice. Reliance is placed on a judgment of a Division Bench of this Court in a batch of petitions in W.P.(C) 4131/2019, 4132/2019 and 4151/2019, decided on 23.04.2019 for the said proposition.

4. Mr. Harpreet Singh, Senior Standing Counsel for the Respondents, on instructions, submits that the Respondents are ready and willing to permit the petitioner to cross-examine the six witnesses, as sought for.

5. In view of the stand of the Respondents, we dispose of the present writ petition by directing the Adjudicating Authority to grant opportunity to the Petitioner to cross-examine the aforesaid six witnesses, whose cross-

examination was sought but was denied during the original proceedings, culminating into the order dated 22.04.2020.

6. Mr. Kumar submits that Petitioner shall co-operate during the proceedings before the Adjudicating Authority and shall not seek unnecessary adjournment.

7. Accordingly, the writ petition is allowed and the impugned order dated 30.09.2020 is hereby quashed and set aside.

CHIEF JUSTICE

JYOTI SINGH, J

JULY 09, 2021

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