IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11347 of 2022

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Md. Mehar Ali Son of Late Abdul Barik, Resident of Village - Lohagara, P.O. and P.S. - Korhobari, District - Kishanganj, Bihar, Patna - 855101.

... ... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance.
2. The Commissioner, Custom CGST and Central Excise, Patna (Bihar).
3. The Assistant Commissioner, Custom Preventive, Division Farbesganj, District - Araria.
4. The Commandant Seema Suraksha Bal (S.S.B.), Kishanganj.
5. The Superintendent, LCS Galgali W.R.T. this unit case NO. 102/15-16.
6. The Superintend (Disposal), Custom (P), Farbesganj.
7. The Superintendent (ARC), Custom (P) Division, Farbesganj.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.K.N. Singh, ASG
		Mr. Anshuman Singh, Sr. SC Custom
		Mr. Amarheet, JC to ASG
		Mr. Abhijeet Gautam, JC to ASG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

> " A) To quash order dated 30.08.2O21 passed by Commissioner (Appeals) Customs, CGST & Central Excise, Patna whereby and whereunder appeal by fi1ed by petitioner against the order dated 09.11.2016 passed by respondent no. 03 has been rejected without application of judicial mind and in violation of principal of natural justice.
> B) To direct the respondent (s) to refund of Redemption fine of Rs. 70,000/- and penalty amount of Rs. 20, OO0 / - (Total Rs. 90,000/-) illegally imposed. upon the petitioner without any valid reason with panel interest of 18%.
> C) To pass any other relief reliefs as may deem fit and proper in the facts and circumstances of the case."

Dr. K.N. Singh, Learned Additional Solicitor General inviting attention of Clause 3 of the instructions forming part of the impugned order dated 30.08.2021 (Annexure-4, page 36) states that the Tribunal is fully functional and petitioner can easily file an appeal in view of Section 129 E of the Customs Act, 1962, for findings of fact must be adjudicated by the last fact finding authority.

Learned counsel for the petitioner states that the petitioner be permitted to approach the said authority.

Permission granted.

Period for which the petitioner has been pursuing the matter before this Court shall be exclude for the purpose of computing limitation.

As and when the appeal is preferred, we request the authority to decide the same expeditiously and preferably within three months thereafter, in accordance with law, of course after complying with the principles of natural justice as also granting adequate opportunity to the petitioner to place on record sufficient relevant materials.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	