

03-02-2022
Item No.34
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.1348 of 2022
M/s. Emami Agrotech Limited
-vs-
The Union of India & Ors.

Mr. Abhrotosh Majumdar
Mr. Pramit Bag
Mr. Rahul Dhanuka
Mr. Harsh Choudhary ...for the petitioner

Mr. Sujit Mitra ...for the Union of India

Mr. Bhaskar Prosad Banerjee
Mr. Sukalpa Seal ...for the Customs

Heard learned advocates appearing for the parties.

In this writ petition, petitioner has challenged the impugned order of adjudication dated January 21, 2022 (Annexure P21, p.175) passed by the Customs authority concerned on the grounds of violation of principle of natural justice by not affording the petitioner opportunity of hearing, in spite of the fact that the authorised representative of the petitioner was not able to attend because of contacting COVID-19. Petitioner also makes prayers for cancellation of the Ex-bond Bill of Entries and for release of the goods in question.

Mr Banerjee appearing for the Customs authority submits that the impugned order of adjudication is appealable under the relevant provisions of the statute.

Considering the submission of the parties, this writ petition is disposed of by granting liberty to the petitioner to file an appeal against the impugned order of adjudication

dated January 21, 2022 within a week. The petitioner also will be entitled to make an appropriate application for release of the goods in question, which the appellate authority shall consider in accordance with law.

With the above observations and directions, WPA No.1348 of 2022 stands disposed of.

It is recorded that this court has not gone into the merits of the impugned adjudication order and that the appellate authority concerned is free to decide the appeal, if filed, in accordance with law, as expeditiously as possible.

[Md. Nizamuddin, J]