

OD 16

ORDER SHEET

WPO 290 of 2018
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SANDEEP KUMAR DIKSHIT
Vs
THE COMMISSIONER OF CUSTOMS (PORT) & ANR.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 2nd March, 2022

(Via Video Conference)

Mr. Sagar Bandopadhyay,
Mr. Arijit Chakrabarti, Advs.
...for the petitioner
Mr. K.K. Maity, Adv.
...for respondent Custom
Mr. Kaushik Dey, Adv.
...for respondent DRI

The Court: In this matter petitioner has challenged the impugned supplementary show cause notice dated 18th May, 2017 under Section 124 of the Customs Act as appears at page 25 of the writ petition along with addendum supplementary notice dated 22nd September, 2017 as appears at page 113 of the writ petition on the ground that the same is without jurisdiction and the law does not permit issuance of such supplementary show cause notice. It appears from record annexed to the writ petition which appears at page 188 of the writ petition that against the aforesaid impugned show cause

notice and addendum to it, petitioner has filed objection on 14th May, 2018 which is still pending.

Learned advocate appearing for the respondent submits that this Court should not entertain the prayer at this stage and liberty should be given to the respondents to consider and dispose of the said objection/representation in accordance with law and considering such submission of the parties I think it fit to direct Commissioner of Customs (Port)/ respondent concerned to consider and dispose of the aforesaid objection/representation against the impugned show cause notice and addendum thereto in accordance with law and by passing a reasoned and speaking order after giving opportunity of hearing to the petitioner or its authorised representative within six weeks from the date of communication of this order. Petitioner shall be also entitled to take all the points before the Authority concerned at the time of consideration of the aforesaid representation which he has taken in this writ petition.

It is recorded that this Court has not gone into the merit of the aforesaid representation and respondent concerned while considering and disposing of the aforesaid objection/representation shall act strictly in accordance with law. Till the disposal of the aforesaid objection/representation dated 14th May, 2018, respondent concerned shall not proceed with the proceeding in question and further proceeding in the matter will depend upon the final outcome of the order to be passed upon the aforesaid objection/representation.

With these observations and directions, this writ petition being
WPO 290 of 2018 stands disposed of.

(MD. NIZAMUDDIN, J.)

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