

ORDER SHEET

WPO 618 of 2018
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

CHEVIOT COMPANY LTD & ANR.
Vs
COMMISSIONER OF CUSTOMS (APPEAL) & ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 3rd March, 2022

(Via Video Conference)

Mr. Harsh Chaudhury, Adv.
...for the petitioner
Mr. Somnath Ganguli,
Mr. Bhaskar Prosad Banerjee, Advs.
...for the respondents

The Court: In this matter petitioner has challenged impugned ex-parte order passed by the Appellate Authority dated 22nd October, 2018 as appears at page 192 of the writ petition mainly on the ground that the date on which the impugned order was passed, no hearing has been taken place and no intimation about such hearing was given to the petitioner though earlier the appeal was fixed for hearing on 9th October, 2018 and the petitioner by its letter dated 6th October, 2018 as appears at page 189 of the writ petition had prayed for adjournment and the respondent Appellate Authority concerned neither considered nor rejected prayer for adjournment and out of its own fixed the date of hearing without intimating to the petitioner and passed the impugned order.

Without going into the merit of the appeal, on the ground of violation of principles of natural justice, the impugned order dated 22nd October, 2018 is set aside and remanded to the respondent Appellate Authority concerned to pass fresh order in accordance with law after giving an opportunity of hearing to the petitioner by issuing appropriate notice, within eight weeks from the date of communication of this order and without granting any unnecessary adjournment to the petitioner.

It is clarified that this Court has not gone into the merit of the impugned order of the Appellate Authority and it has been set aside solely on the ground of violation of principles of natural justice by not providing the opportunity of hearing to the petitioner and the concerned Appellate Authority while disposing of the appeal in question will act strictly in accordance with law and on its own merit.

With these observations and directions, this writ petition being WPO 618 of 2018 stands disposed of.

(MD. NIZAMUDDIN, J.)

