

ORDER SHEET

WPO/2980/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRAVEEN BHADANI PROP OF M/S ARIHANT OVERSEAS
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 25th November, 2022.

Appearance:
Mr. Prabir Bera, Adv.
...For the Petitioner

Mr. K.K. Maiti, Adv.
Mr. Tapan Bhanja, Adv.
...For Customs Authority

The Court: Heard learned counsel appearing for the parties.

It appears from record that it is the second round of writ petition. Earlier a writ petition being WPO 1216 of 2022 was filed by the petitioner which was disposed of by the order of this Court dated 11th March, 2022 by directing the respondent authority concerned to consider the representation of the petitioner relating to provisional release of goods in question in accordance with law and there was direction for giving opportunity of hearing to the petitioner before passing such order. In compliance of the aforesaid order the respondent Authority concerned have considered and disposed of the aforesaid representation by passing the order dated 29th March, 2022 being annexure P-10 of the writ petition. On perusal of which I find that it is a detailed order with reasoning and the same has been passed after giving opportunity of hearing to the petitioner. In exercise of constitutional writ jurisdiction under Article 226 of the Constitution of

India, this Court should not act as an appellate authority over the aforesaid adjudication order and substitute the finding of the authority concerned. If at all petitioner is aggrieved by the aforesaid adjudication order, alternative remedy is available to him under the statute before the Commissioner of Customs (Appeal).

Without going into the merit of the aforesaid adjudication order only on the ground of availability of alternative remedy I am not inclined to entertain this writ petition and accordingly this writ petition being WPO 2980 of 2022 is dismissed by granting liberty to the petitioner to avail the alternative remedy in accordance with law.

(MD. NIZAMUDDIN, J.)

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