

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9558 OF 2019**

Shree Rama News Print Limited : Petitioner  
versus  
The Union of India and ors. : Respondents.

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Mr.Jitendra Motwani i/by Economic Laws Practice for Petitioner.  
Mr. Pradeep Jetly, Senior Advocate a/w Mr. J B Mishra for Respondent Nos.1 to  
3.

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**CORAM : K. R. SHRIRAM &  
A.S. DOCTOR, JJ.  
DATED : 18<sup>th</sup> AUGUST 2022**

**P.C.**

1           Petitioner is impugning a total of 14 orders in original passed by Respondent No.3 on various grounds, the primary ground being it is in breach of principles of natural justice. It is Petitioner's case that the order in original has been passed even without issuing a show cause notice. According to Petitioner, a personal hearing notice appears to have been given but to a wrong address or old address of Petitioner. In the Petition there is positive averment that show cause notices were never supplied and even to a request by Petitioner after receiving order in original to provide copies of show cause notices, the same has not been made available to Petitioner. Petitioner has also averred that Petitioner had even changed the address in Import Export Code (IEC) issued by the department and notwithstanding the same, communications are not addressed to that address.

2           In the affidavit in reply there is no denial regarding change of address reflecting in IEC. There is ofcourse a bald statement that show cause notices were issued. But copies of show cause notices are not annexed to the reply. We are also inclined to believe Petitioner's case that show cause notices have not been issued because (a) in the affidavit in reply copies are not annexed; (b) to the averment in Petition that request for copies was made but not supplied, there is no denial; and (c) the order in original itself reads like a show cause notice-cum-order in original. All orders are almost identical in which it is stated, ***"..... In view of above, the importer is hereby called upon to show cause to the Additional Commissioner of Customs....."*** This is followed by discussions and findings. Mr. Motwani, ofcourse, states that Petitioner has in fact full-filled the conditions as per Custom Notification No.97/2004-CUS, dated 17<sup>th</sup> September 2004. We are not going into that aspect. At the same time, since we agree with Petitioner that there is nothing to show that show cause notices were in fact issued to Petitioner, we hereby quash and set aside the fourteen impugned orders and remand the matter for de-novo consideration.

3           Respondent No.3 shall provide to Petitioner copies of fourteen show causes notices which they claim to have issued within two weeks of receiving copy of this order.

4           Within three weeks thereafter, Petitioner shall file reply along with documents in support.

          Within three weeks thereafter, personal hearing shall be granted to Petitioner and notice of personal hearing shall be given at least seven working days in advance.

          Should Petitioner wish, within three days after personal hearing, file written submissions recording what transpired/was submitted during personal hearing.

5           Four weeks after completion of personal hearing, reasoned order shall be passed by the adjudicating authority.

6           Petition disposed. No order as to costs.

7           We clarify that we have not made any observations on merits of the matter.

**[A.S. DOCTOR, J]**

**[K. R. SHRIRAM, J]**